TWENTIETH ANNUAL REPORT

OF THE

INTERSTATE COMMERCE COMMISSION.

DECEMBER 19, 1906.

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THE INTERSTATE COMMERCE COMMISSION.

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Hon. FRANKLIN K. LANE, of California.
Hon. EDGAR E. CLARK, of Iowa.
Hon. JAMES S. HARLAN, of Illinois.

EDWARD A. MOSELEY, Secretary.

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REPORT

OF THE

INTERSTATE COMMERCE COMMISSION.

WASHINGTON, D. C., *December 19, 1906.*

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit its twentieth annual report for the consideration of the Congress.

The most important legislation of the year relating to the work of the Commission was the passage of a bill, approved June 29, which amended the act to regulate commerce in various and important particulars. A joint resolution adopted on the same day postponed the taking effect of this measure until August 28, and the amended law has been in force since that time. The scope of the statute has been materially enlarged by this enactment and the powers of the Commission substantially increased.

The questions arising under the new legislation are numerous and some of them extremely difficult. It has been necessary for the Commission to devote a considerable part of its time to an administrative construction of this law and the preparation of decisions and rulings as to its meaning and application. The nature and scope of these rulings are indicated by the following summary. The text of the several circulars by which they were promulgated is printed in full as an appendix to this report.

DECISIONS AND RULINGS OF THE COMMISSION.

Notation on tariff of special permission.—In each instance where by special permission from the Commission a tariff is made effective in less than thirty days, such tariff must bear the notation: "Effective (insert date), by special permission of the Interstate Commerce Commission of (insert date)."

Payment for transportation.—Nothing but money can be lawfully received or accepted in payment for transportation subject to the act,

whether of passengers or property, or for any service in connection therewith, it being the opinion of the Commission that the prohibition against charging or collecting a greater or less or different compensation than the established rates in effect at the time precludes the acceptance of services, property, or other payment in lieu of the amount of money specified in the published schedules.

New roads.—On new lines of road, including branches and extensions of existing roads, individual rates may be established in the first instance, and also joint rates to and from points on such new line, without notice, on posting a tariff of such rates and filing the same with the Commission.

Notice of changes in rates.—Where two or more connecting carriers establish a joint rate which is less or greater than the sum of their local rates, such joint rate is a change of rates and requires a notice of thirty days. In such case the joint rate, when duly established and in force, becomes the only lawful rate for through transportation.

Where a joint rate is in effect by a given route which is higher between any points than the sum of the locals between the same points by the same or another route, such higher joint rate may be changed by reducing the same to the sum of such locals, but not otherwise, upon posting one day in advance a tariff of such reduced rate and mailing a copy thereof to the Commission.

Desire to meet the rates of a competing road or line which has given the full statutory notice of change in rates will not of itself be regarded as good cause for allowing changes in rates on a notice of less than thirty days.

Through rates which exceed the sum of locals.—Many informal complaints are received in connection with regularly established through rates which are in excess of the sum of the locals between the same points. The Commission has no authority to change or fix a rate except after full hearing upon formal complaint. The Commission announced in its Tariff Circular No. 5–A, of October 12, 1906, a rule permitting practically immediate reduction of a through rate which is higher than the sum of the locals between the same points. It is believed to be proper for the Commission to say that, if called upon to formally pass upon a case of this nature, it would be its policy to consider the through rate which is higher than the sum of the locals between the same points as prima facie unreasonable and that the burden of proof would be upon the carrier to defend such higher through rate.

Round-trip excursion rates.—It is the opinion of the Commission that the provisions of the amended sixth section, in respect of the publishing, filing, and posting of tariffs, apply to the mileage, excursion, and commutation rates authorized by the twenty-second section. Such a rate when first established or offered is held to be a change of

rates which requires a notice of thirty days. No reason appears why this notice should not be given in the case of mileage rates, commutation rates, round-trip rates, or other reduced rates which, like ordinary passenger rates, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion rates, however, covering a named and limited period, are of a different character in this regard, and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind, the Commission has made a general order fixing the following-named time of notice of round-trip excursion rates, and carriers may govern themselves accordingly:

Rates for an excursion limited to a designated period of not more than three days may be established, without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission.

Rates for an excursion limited to a designated period of more than three days, and not more than thirty days, may be established upon a notice of three days in place of the thirty days' notice otherwise required by the amended sixth section.

Rates for an excursion limited to a designated period exceeding thirty days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

Rates for a series of daily excursions under either of the above provisions, such series covering a period not exceeding thirty days, may be established upon notice of three days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

The term "limited to a designated period" used in the foregoing quotations from Tariff Circular No. 2-A is construed to cover the period between the time at which the transportation can first be used and the time at which it expires.

Round-trip tickets on certificate plan.—Round-trip tickets on the certificate plan may be issued at reduced rates and their use be confined to the delegates to a particular convention, or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced rate for return trip will be granted to any. Tariffs of rates and regulations governing issuance and use of round-trip tickets on certificate plan must be regularly filed and posted, and the regulations must not be such as will operate to evade or nullify any provisions of the law.

The Commission suggests that the rule should provide that not less than one hundred tickets shall be presented for validation for return trip before reduced rate will be granted to any.

Round-trip tickets on certificate plan may also be issued to government employees going home to vote and returning to their employment.

Party-rate tickets.—The tariffs and regulations governing the issuance and use of party-rate tickets, together with the rules relating to the allowance of free baggage to persons using such tickets, must be regularly filed and published. The privileges so extended must not be limited to any particular class or classes of persons, but must be open to all. Regulations governing issuance and use of party-rate tickets must not be such as will operate to evade or nullify any provisions of the law. The Commission suggests that the rules should provide that the party shall travel on one ticket and consist of not less than ten persons.

In special or emergency cases prompt consideration will be given to requests to change tariff rates governing party-rate tickets on less than thirty days' notice, when such requests are accompanied with full information as to the conditions and necessities upon which they are based.

Filing and publication of intrastate rates.—All intrastate or other rates which are used in combination with interstate rates for interstate shipments must be posted and filed with the Commission, and can only be changed, as to such traffic, in accordance with the act.

Issuance and use of free passes.—The provisions of the act relative to the issuance of free tickets, free passes, free transportation, or free carriage to employees of carriers apply only to persons who are actually in the service of the carriers and who devote substantially all of their time to the work or business of such carriers. Land and immigration agents, unless they are bona fide and actual employees, representatives of correspondence schools, agents of accident or life insurance companies, agents of oil or lubricating companies, etc., are not within the classes to which free or reduced-rate transportation can be lawfully furnished.

But the Commission does not construe the law as preventing a carrier from giving necessary free transportation to a person traveling over its line solely for the purpose of attending to the business of or performing a duty imposed upon the carrier, nor from giving free carriage over its line to the household and personal effects of an employee who is required to remove from one place to another at the instance of or in the interest of the carrier by which he is employed.

Nor does the Commission construe the law as preventing a carrier from giving free or reduced-rate carriage over its line to contractors for material, supplies, and men for use in construction, improvement, or renewal work on the line of that carrier, provided such arrangements for free or reduced-rate carriage are made a part of the specifications upon which the contract is based and of the contract itself.

The ruling above given in regard to the transportation of land and immigration agents, free or at reduced rates, was reaffirmed by the Commission in a report made upon a complaint subsequently filed on behalf of the Illinois Central Railroad Company.

Free and reduced-rate transportation for ministers of religion, etc.—The provisions of the act relative to the issuance of free or reduced-rate transportation to ministers of religion do not apply to or include members of the families of ministers of religion. Neither do the provisions of the act relative to the issuance of free or reduced-rate transportation admit of including therein officers of the government, the army, or the navy, or members of their families, or other persons to whom such considerations may have been extended in the past, unless they are within the classes specifically named in the act.

Transportation furnished caretakers of live stock, poultry, fruit, and vegetables.—Section 1 of the act to regulate commerce provides that free transportation may be furnished to "necessary caretakers of live stock, poultry, and fruit." The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables when shipped under conditions that render caretakers "necessary." The Commission is also of opinion that transportation of such "necessary caretakers of live stock, poultry, and fruit" includes their return to points from which they actually accompany such shipments. This transportation may be in the form of free pass or reduced-rate transportation, but in any event it must be the same for all under like circumstances and must be published in the tariff governing transportation of the commodity.

Division of joint rates—Contracts and agreements for must be filed.—A contract, agreement, or arrangement between common carriers governing the division between them of joint rates on interstate business is a contract, agreement, or arrangement in relation to traffic within the meaning of section 6 of the act to regulate commerce, and a copy thereof must be filed with the Commission. Where such contract, agreement, or arrangement is verbal or is contained in correspondence between the parties or rests on their custom and practice, a memorandum of its terms must be filed with the Commission.

Answering many inquiries as to just what is desired under this rule, the Commission states that when the agreement or arrangement under which divisions are made is in the form of a contract or formal agreement or recorded memorandum, a copy of each such contract, agreement, or memorandum is to be filed with the Commission. Where such arrangement is made by correspondence or verbally, a concise memorandum of the basis and general terms and application of the arrangement or practice is to be filed with the Commission. The filing of the division sheets themselves is not desired.

The Commission has also prescribed forms for applications asking authority to make rates effective on less than the statutory notice of thirty days, and has established regulations specifying the railway officials whose signatures may be appended to such applications, requiring carriers to designate officials who shall correspond with the Commission in relation to freight and passenger matters, and providing for the distribution of the official circulars and rulings of the Commission to carriers and commercial organizations.

Export rates on cotton and other commodities.—The Commission having under consideration the petition of the Southern Railway Company and other carriers operating in territory east of the Mississippi River and south of the Ohio and Potomac rivers for permission to equalize export rates on cotton, cotton seed and its products, and lumber, and thereby make changes in their export rates on those commodities without the thirty days' notice required by law, and having heard representatives of the carriers and numerous shippers, and the Commission being of the opinion that carriers may legally issue through bills of lading from the interior point of shipment to a foreign destination which specify the inland rate to the port of export and the ocean rate from the port of export, even though no joint through rate is published, it was thereupon ordered, under date of September 15, 1906:

1. That no published rates on cotton shall be advanced except upon thirty days' notice, as required by law.

2. That from and after this date and until March 1, 1907, carriers may reduce their published export rates on cotton to the various ports of export upon three days' notice.

3. That until November 1, 1906, the carriers may continue to equalize export cotton rates through the various ports by applying the lowest combination through all the ports, thereby making said rates without publication and filing as required by law: *Provided*, That they post in two conspicuous places in the station where cotton is received for shipment notices of the rates so made as soon as they are made and mail copies of the same to the Commission, said notices to specify the rate and the time during which the rate will continue in effect.

4. That as to cotton seed and its products and lumber the petition is denied.

Application of the amended law to cases previously pending before the Commission.—The case of the Cattle Raisers' Association of Texas against the Missouri, Kansas and Texas Railway Company and others was decided in favor of the complainant August 16, 1905. Subsequently complainant's motion for additional and more specific findings was granted, and the case again taken under advisement. The act to regulate commerce was amended June 29, 1906, and thereafter complainant filed its petition praying in substance that the Commission proceed in the case with a view to making an order therein under the new fifteenth section in said act.

The new section 15 confers upon the Commission power to enforce

what has always been required in the statute, namely, just and reasonable rates, by the application of a new remedy, and, as applied to cases like this, in that way alone has the jurisdiction of the Commission been enlarged. The new section provides as conditions that there shall be formal complaint and full hearing. Both of these prerequisites had been practically complied with in this proceeding, but the Commission held that both complainant and defendants should have leave to submit whatever additional testimony they desired, and thereupon it is not only the right but the imperative duty of this Commission to make an order for or against the defendants under the new fifteenth section. To hold otherwise, this case and many others in which large sums of money and much time have been expended must fail, since the old section is superseded by the new and the amending act contains no provision continuing the old section in force as to cases previously brought before the Commission. The law should not be so interpreted in the absence of explicit provision to that effect. The case was set down for further hearing, reexamination of the whole record by the Commission, and procedure by the Commission under the new fifteenth section.

Another case pending before the Commission prior to the taking effect of the amending act of June 29, 1906, was entitled "Cattle Raisers' Association of Texas et al. *v.* Chicago, Burlington and Quincy Railway Company et al." In this case final order had been entered by the Commission November 16, 1905, but such order had not been obeyed by the defendant carriers. After the amending act of June 29 became effective the complainant filed a petition with the Commission praying that the final order in this case be set aside and the case reopened for further procedure with a view to decision and order under the law as amended. No claim was made that the Commission committed any error in its findings of fact or in the making of its order as the law formerly stood, the only object being to secure an order under the amended fifteenth section. Without inquiring what authority as a matter of law the Commission may have over a case in which an order was issued before the amendment of June 29, 1906, took effect the commissioners were all agreed that this petition should be denied. The case was ended by the making of an order. For nearly a year it was optional with the complainant to proceed in court for the enforcement of that order, and such may be its right even now. The Commission felt that when an order has been made the case should be treated as closed and that it ought not to be reopened except upon a showing that some wrong or injustice has been or will be effected. The petition in this case was therefore denied. The foregoing rulings apparently cover all cases pending before the Commission prior to the taking effect of the act of June 29, 1906, and make the amended act apply to all such cases in which final order has not been entered.

Transportation of land and immigration agents free or at reduced rates.—In a report made upon a complaint filed on behalf of the Illinois Central Railroad Company, the Commission held that land and immigration agents, unless they are bona fide and actual employees of carriers subject to the act to regulate commerce, are not within the excepted classes specified in that statute, and providing transportation for such agents free or at reduced rates over lines of such carriers is, and since the act was originally passed has been, unlawful. This opinion reaffirmed the ruling mentioned above under the heading "Issuance and use of free passes."

PUBLICATION AND FILING OF TARIFFS—FORM, CONTENTS, AND ARRANGEMENT OF RATE SCHEDULES.

Among the important changes made by the amended act are those which relate to the publication and filing with the Commission of tariffs applicable to interstate traffic, especially with respect to the previous notice required to be given the public and the Commission of changes in the rates shown in such tariffs. The law as previously in force provided that in cases of advances in rates the public and the Commission must be given ten days' previous notice thereof, and in cases of reductions in rates three days' previous notice must in like manner be given. The amended law provides that in all cases of changes in rates applicable to interstate traffic, whether advances or reductions, the public and the Commission shall be given thirty days' previous notice. In order, however, to meet unforseen emergencies and to prevent any hardship that might result from this requirement, the amended act contains a proviso to the effect that the Commission may, in its discretion and for good cause shown, allow changes to be made in rates on less than thirty days' notice.

Under this proviso the Commission has received since August 28 over 600 applications for permission to make changes on less than the statutory requirement, the majority of which have been granted, as the reasons set forth seemed to amply justify the Commission in exercising the discretionary power provided in the statute. These applications have been almost without exception to put in reduced rates, the necessity for the reductions being due to various emergencies which could not be foreseen in time to give the full thirty days' notice. As it is necessary to examine the tariffs on file in connection with applications, this provision has added very largely to the work of the Commission.

It was generally supposed that the requirement of thirty days' previous notice of changes in rates would have a tendency to decrease the number of rate changes, and therefore the number of schedules filed. This view, however, has not up to the present time been borne out by the facts. For a number of years prior to the enactment of the amended law the average number of tariffs filed daily was about 450,

including both freight and passenger tariffs. From August 1 up to and including November 30 of the present year the average number of tariffs filed daily has been 964. This number does not include express, pipe-line and sleeping-car tariffs. On August 27, the day before the amended law became effective, the number of schedules received for filing was 5,587, of which 4,975 were freight and 612 were passenger.

Owing to the great number of tariffs received since and just prior to the taking effect of the amended law, it has been impracticable, with the limited clerical force available for such work, to make any detailed comparison of the rates shown in these tariffs with those previously in effect, but from such examination and comparison as it has been possible to make it seems safe to say that the great majority of the changes in these tariffs were reductions. It should not be understood, however, that all of this large number of tariffs made changes in rates. Many of them were of a character which had not previously been filed—intrastate rates, refrigeration charges, switching charges, etc.

The Commission has not heretofore prescribed definite rules with respect to the form and arrangement of the contents of tariffs, and there has been in the past but little uniformity in the arrangement of the tariffs of the various carriers throughout the country. While it is true that probably the majority of tariffs as now filed are comparatively simple in arrangement and easily read, it is also true that many are not arranged in such manner as to be readily understood by persons of ordinary intelligence, and in some cases are so complicated that it is difficult for even an expert to determine the rates therefrom.

With the view of securing greater uniformity and simplicity in tariff construction and arrangement the Commission, soon after the passage of the amended law, decided to exercise the authority conferred by that portion of the sixth section thereof which provides as follows:

> The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

Realizing the difficulties in the way of accomplishing the desired result, and not desiring to prescribe rules that might prove unnecessarily harsh or burdensome, and feeling that the carriers themselves might furnish valuable assistance in the matter, the Commission, on September 15, issued a circular (Tariff Circular No. 3–A), which was sent to all carriers. This circular is set forth in full in the appendix.

On the date named in the circular a large number of railway officials from all sections of the country assembled at the office of the Commission. The hearing or conference occupied two days, and the subject was discussed at considerable length, many objections being advanced to some of the proposed requirements and many suggestions

offered as to what would be a practical solution of the matter. Owing to the large number present and the varying views expressed very little progress was made, and the Commission suggested that a second conference be held, to be attended only by comparatively small committees selected to represent the eastern, northern, western, and southern sections of the country. This plan was adopted and a second conference was held at the office of the Commission on November 12 and 13 which produced more satisfactory results.

Based upon its experience of many years in connection with tariff schedules, and upon the information gathered at these conferences, the Commission expects, at an early date, to prescribe rules governing the construction and arrangement of rate schedules which it is believed will result in great improvement and simplification of such schedules.

SPECIAL INVESTIGATIONS.

Much time has necessarily been occupied during the last year in conducting special examinations of an important character. The most notable of these inquiries has been carried on pursuant to a joint resolution approved March 7, 1906, commonly known as the Tillman-Gillespie Resolution, for the purpose of determining, among other things, the relations of common carriers to the production and distribution of coal and oil in certain particulars, and the ownership of coal and oil lands by such carriers or by their officers and employees.

The investigation thus ordered was commenced within a short while after the adoption of the resolution, the first public hearing taking place in Philadelphia on April 10. Numerous sessions have been held since that time in different parts of the country by one or more members of the Commission, occupying altogether some fifty-four days. The typewritten testimony already taken exceeds 10,500 pages, to say nothing of a vast volume of exhibits embracing statistical matter of various kinds and other documentary evidence. The general plan pursued has been to take each of the principal coal regions by itself, with the view of developing in respect of each the facts called for by the resolution as regards the methods of production, the ownership of the properties, and the relations thereto of the carriers transporting the output. A series of reports of this investigation will be made from time to time, as was contemplated by the resolution, the first of which, so far as coal is concerned, will pertain to what is called the eastern bituminous situation. This report is now nearly completed and will soon be submitted to the Congress.

While a large amount of testimony has been taken in this inquiry with regard to oil lands and the transportation of that commodity, the investigation of that branch of the subject will not be as extended and

complete as in the matter of coal, because of the very comprehensive and exhaustive investigation by the Commissioner of Corporations, whose report has already been promulgated. It is believed that the Congress does not desire a duplication of the work so thoroughly performed by another department of the government and that it will be sufficient for us to merely supplement that work in certain directions. The extent to which the oil inquiry has been carried on and the aspects of that subject which we have thought needful to consider will appear from a special report which has nearly reached completion and will soon be submitted.

Another inquiry has been conducted under Senate resolution of June 25, commonly known as the La Follette resolution, relating to the ownership and operation of elevators, the charges and allowances paid thereto, and kindred incidents of the handling and transportation of grain. This investigation has likewise been pursued at numerous sessions in various places where elevators are largely employed, and sufficient testimony has been taken, as is believed, to develop the general facts concerning the functions and use of elevators, including the conditions and effects peculiar to elevator operations. A report upon this subject is already well advanced and will be ready for submission, it is hoped, at an early date and certainly before the close of the present session.

A third inquiry has been conducted under a joint resolution approved June 30, with reference to the use of block signals in operating railway trains and other appliances and devices designed to promote the safety of employees and the traveling public. This inquiry has been conducted with as much care and thoroughness as time permitted, and the results will be set forth in a special report which is now in the course of preparation.

In addition to these required investigations the Commission has undertaken several inquiries on its own motion, with the view of ascertaining the facts and conditions now existing in certain matters of public concern. One of these proceedings has been instituted with a view of disclosing the relations between the Union Pacific and Southern Pacific railway systems growing out of their combined management and control. The preliminary steps in this inquiry have already been taken, and public hearings will begin before the close of the present month.

Another proceeding of similar character is directed against the relations of the Northern Pacific, Great Northern, and Burlington systems, with the view of ascertaining to what extent they are under unified control and the effect of such control, if it exists, upon their rates and practices.

A further inquiry has been instituted with reference to the prevailing car shortage, a subject upon which some observations are made in

the following paragraphs of this report. This inquiry is now proceeding in different parts of the country by one or more members of the Commission, and the results will be communicated to the Congress at the earliest possible date.

CAR SHORTAGE.

The inability of shippers to procure cars for the movement of their traffic is the subject of numerous and grievous complaints, which come to the Commission from all parts of the country. A car famine prevails which brings distress in almost every section, and in some localities amounts to a calamity. The extraordinary prosperity which everywhere abounds, with the high prices obtainable for all classes of commodities, have so stimulated production as to yield a volume of transportation business which far exceeds in the aggregate the carrying capacity of the railroads. In a word, the development of private industry has of late been much more rapid than the increase of railway equipment. The conditions now existing in the Northwest, where large quantities of grain require immediate shipment, and in the Southwest and trans-Missouri region, where thousands and tens of thousands of live animals are denied movement to the consuming markets, may justly be regarded as alarming, while throughout the Middle West and Atlantic seaboard the shortage of cars for manufactured articles and miscellaneous merchandise has become a matter of serious concern. In some cases it is simply a lack of cars, in others insufficient tracks and motive power, in still others wholly inadequate freight yards and terminal facilities.

The larger roads which have been increasing their equipment, as their managers claim, as rapidly as it could be procured are in many cases refusing to furnish cars for loading to points beyond their own rails, because they are not unloaded and returned within a reasonable time. Frequently, it is said, foreign cars are virtually confiscated by roads which get them into possession and keep them in use for local service. The surprising statement was recently made by a high official of one of the largest and best equipped systems that 80 per cent of its cars was then beyond its control on the lines of other roads. The practice of allowing a car loaded on one line to go through to destination, however distant, has been so general, and the commercial need for such movement is so obvious and urgent, that a curtailment of this interchange results in widespread hardship and complaint. Moreover, it appears to be impossible for any road to at once secure an adequate addition to its rolling stock, because we are told that every car and locomotive building establishment is working to the limit of its capacity, and that orders placed now can not be filled much under a year.

A significant fact in this connection is the small average mileage made by cars in freight service, amounting to only about 23 miles a

day. Manifestly such a slow movement is entirely inadequate to anything like the prompt transfer of property from producer to consumer. Shipments are necessarily delayed in transit, and sufficient cars can not be provided unless they can be handled with much greater expedition. It is equally clear that if some method could be adopted to materially increase the daily average movement there would be corresponding relief from the present situation. Broadly speaking, it does not appear that the existing congestion, amounting in many cases to a virtual paralysis of business, results so much from insufficient car capacity, except on a limited number of roads, as from the lack of adequate tracks and motive power, delays in loading and unloading, and terminals far too small for current requirements.

Whatever the cause or however difficult to fix responsibility, the unquestioned fact is that the railroads can not or do not move the entire volume of traffic offered and that shippers are suffering to a degree almost unbearable in many cases because they can not get transportation for their traffic. The railways, to use a common simile, are the arteries through which the commercial life of the nation circulates, but when this circulation becomes impeded because the channels are choked up or subjected to abnormal pressure the necessary and early result is an impairment of commercial vigor which is felt in every sphere of business activity. A situation of such gravity calls for every remedy that can be usefully applied.

It is scarcely necessary to point out that the Commission is without authority under any existing law to deal effectively with this condition. Broadly speaking, the regulating power of the Congress has not been exercised to control the physical operations of interstate railroads—aside from the safety appliance requirements—either as respects the movement of trains or the supply of equipment. It is true that the recent amendments include a very broad definition of "transportation" and impose in general the obligation to provide all needful facilities, but this is perhaps not much more than a statement of common law obligations which already existed. Certainly no machinery has been provided to give effect to the mandate of the statute in this regard, and the Commission can apparently make no order, even after complaint and hearing, which will afford substantial relief. Undoubtedly the Commission could deal with a proven case of discrimination between shippers in the distribution of cars, but that is not the characteristic feature of the present situation. The complaints that come to us are not based upon charges of favoritism, but indicate rather a prevailing condition in which that element is not conspicuous. It may be also that the Commission could in particular instances, after full hearing, award reparation for damages resulting from failure to supply cars, but this is a matter of at least considerable

doubt and at best a remedy of little practical value. An award of damages in such a proceeding would not be made by an order binding upon the carriers and enforceable by cumulating penalties, but merely a prima facie case in a suit brought in the Federal courts to recover the sum awarded. Since a proceeding which involves no question of reasonable rates but only the amount of damages for past transactions must be followed by suit to recover the ascertained loss, it would seem quite as suitable and probably more effective to bring the suit in the courts in the first instance.

Without waiting for further authority the Commission has commenced an investigation, which it has undoubted power to make, of this subject of car shortage, with the view of ascertaining its causes, the conditions existing in different parts of the country, and the remedies that can be applied either by the voluntary action of the carriers or by the compulsion of suitable enactments. Already agents have been sent out to visit congested localities and confer with representative shippers, and official hearings are about to be commenced. This has seemed the most efficient course the Commission could take, and it is hoped that early and beneficial results will be secured.

To what extent the delegation of authority to the Commission to deal with a situation of this kind would be likely to prove of practical value is a question of great difficulty, but it goes without saying that the best aid that legislation can afford will not meet the present emergency, however useful it might be for future needs of like character. Until the pending investigation has furnished more complete knowledge of the existing facts concerning the car shortage now prevailing, including the causes which have brought about present conditions, the Commission is not prepared to recommend a definite scheme of legislative relief; but we are amply warranted in bringing the matter to the attention of the Congress in this general way and to ask that it receive early and careful consideration.

DECISIONS OF THE COMMISSION PRIOR TO AUGUST 28, 1906.

Subsequent to our last annual report to the Congress and prior to August 28, 1906, the date when the amended law became effective, the Commission rendered decisions in twenty-seven contested cases, which are briefly summarized as follows:

Classification and rating of leather scrap.—Carriers in Official Classification territory classified leather scrap in less than carloads as third class from 1887 to January, 1894, when they limited such classification to scrap refuse from the manufacture of leather goods and excluded strips or pieces cut from hide leather; and in January, 1905, such limitation was superseded in the freight classification by the words "this rating will apply only upon scraps not available in the

manufacture of leather goods." It appeared that all leather scrap purchased by the complainant contained leather pieces which could be used in the manufacture of leather goods, and the sole purpose of complainant in purchasing such leather scrap was to separate such pieces and sell them to persons having use for the various sizes and kinds. The effect of the new rule was to advance the complainant's commodity from third to second class, which was the rating prescribed by the defendants for leather. The Commission held (11 I. C. C. Rep., 517) that a third-class rating was sufficiently high for leather scraps in less than carloads and that the carriers' classification was unjust and unreasonable. The carriers corrected the classification accordingly.

Rates on cotton-piece goods from eastern points to Denver.—Carriers operating all-rail routes from New York, Boston, and other eastern points charged on cotton-piece goods in less than carloads from those points $2.24 per 100 pounds to Denver and $1.50 per 100 pounds to San Francisco. The rate to Denver was a combination of rates from the shipping point to the Mississippi River, Mississippi River to Missouri River, and Missouri River to Denver. From New York to Chicago, from Chicago to Denver, and from St. Louis to Denver for a long period of years cotton-piece goods had been given rates substantially below the rates on first-class articles, and throughout the United States greater or less differentials on cotton-piece goods under first class have been maintained with one notable exception, namely, from Missouri River points to Denver. Transcontinental rates from eastern points to San Francisco are made in competition with water rates, and are in no sense a measure of the value of the service; but that situation does not justify the carriage of goods to San Francisco at a loss, thereby placing additional burdens on other traffic. The rate of $1.50 on cotton-piece goods from the East to San Francisco, about 3,400 miles, was assumed to cover the actual cost of the service, and that rate for the 1,400 to 1,600 miles less distance to Denver and saving the haul of that distance over mountain ranges, where fuel and labor are counted more expensive, was found to be reasonable for the transportation from New York, Boston, and other eastern points to Denver. Under the combination rate to Denver no reduction from local charges was made on account of the through haul of 2,000 miles. Such application of combined local charges to a long-distance shipment placed a wrongful burden upon the shipper.

The exaction of first-class rates on cotton-piece goods between Missouri River points and Denver, in view of the long-prevailing differentials in other parts of the country and other existing conditions, was held by the Commission (11 I. C. C. Rep., 495) to be unjust and unreasonable, and it was further held that the result of the excessive rate on cotton-piece goods between the Missouri River and Denver

and the application of full locals in making up the through combination rate from New York, Boston, and other eastern points taking the same rates to Denver was to make the through rate excessive, and that such through rate to Denver to be reasonable should not exceed $1.50 per 100 pounds. The rates to Denver were reduced soon after the rendering of this decision.

Another proceeding brought in connection with the foregoing involved the question of reparation upon a test shipment made by the complainant from Norwich, Conn., to Denver. In this case reparation was denied (11 I. C. C. Rep., 514) upon the ground that this particular shipment was part of complainant's scheme for attacking the comparatively high rate from Missouri River points to Denver upon cotton-piece goods; that it was not in the regular course of his trade, as most of his shipments from the east were made by the cheaper sea-and-rail route, and that the purchase was actually made in Chicago, from which point the shipment would have as well illustrated the rates which constituted the principal subject of complaint, namely, those from eastern points to Denver, and especially the high rate from Missouri River points or the resulting combination rate from Chicago to Denver. Complainant expressly stated in his testimony that he did not go into the tariffs east of the Mississippi River, and the shipment from Norwich, Conn., over the all-rail route was asserted by him to have been a mistake on the part of the shipper. Relief having been granted in the other case by condemnation of the rates in question, and the carriers having been ordered to cease and desist from charging the excessive rate complained of, the Commission was of the opinion that substantial justice would be satisfied with the establishment of a reasonable rate and that an order for reparation was not required.

Excessive rate on flour.—The complainant shipped two carloads of flour from Lamar, Mo., to Hope, Ark., by the Frisco road in December, 1903, under a milling-in-transit rate from Pennsboro and Everton, the same rate applying from Lamar, Pennsboro, and Everton to Little Rock, Ark., and from that point the flour was carried by the Iron Mountain Railway to Hope under the rate in force between those points applying on interstate shipments. This rate from Little Rock to Hope was 42 cents per 100 pounds for a distance of 112 miles, and was the subject of complaint. The Arkansas commission rate in force on State traffic from Little Rock to Hope was 11 cents. The Missouri Pacific and the Iron Mountain roads had in effect a through rate from Lamar to Hope of 28 cents, and to this had to be added a $3 per car switching charge from complainant's mill to the Missouri Pacific tracks in Lamar. The rate by the Missouri Pacific line from Lamar to Little Rock was 20 cents—the same as the rate by the Frisco and its connecting line.

The carriers subsequently reduced the charge on these carloads of flour from Little Rock to Hope from 42 to 24 cents per 100 pounds,

refunding, substantially, the difference to complainant, and finally offered to reduce to the basis of a 19-cent rate applying from Memphis through Little Rock to Hope, which the tariff specified as the maximum charge between intermediate stations, but such offer of settlement was declined by complainant. This Memphis rate had since been increased to 20 cents. Upon all the facts and circumstances, the Commission held (11 I. C. C. Rep., 598) that the rate of 42 cents for this service between Little Rock and Hope on interstate shipments of flour was grossly unreasonable; that the rate of 19 cents and the later rate of 20 cents was, as applied to such service, unreasonable and unjust, and that a reasonable and just rate therefor would be 11 cents per 100 pounds. Complainant was awarded reparation on the basis of the 11-cent charge, and it is understood that the payment involved in the award of reparation has been made.

Rates on potatoes from points in Minnesota to eastern cities.—The complainant in 1902 made shipments of potatoes from Good Thunder, Minn., to Washington, D. C., and from Mankato, Minn., to Scranton, Pa. There were no through rates in force, and the shipments moved under the combination of rates to and from Chicago. Through rates were in force from St. Paul and Minneapolis to eastern points, and by most lines these through rates were maximum charges to intermediate points. Lines other than the defendant applied rates from Mankato to eastern destinations 2 cents higher than the rates from St. Paul. The complainant could not handle potatoes at Mankato or Good Thunder under the Chicago rate combination. Though the through rates from St. Paul were the result of competition, they had been long in force as normal rates, were reasonable and just, and as high as could properly be applied to the traffic. The Commission held (11 I. C. C. Rep., 548) that the charges based upon the Chicago combination were unreasonable and unjust; that reasonable and just rates would be 4 cents above the through rates from St. Paul; and the carrier was recommended to put in such rates to Scranton and Washington and corresponding rates to the various eastern destinations. Reparation was awarded.

Lumber rates from Dalton, Ga., to points in Virginia.—Complaint having been made that the lumber rates from Dalton, Ga., to points in Virginia on the Norfolk and Western lines between Bristol, Tenn., and Roanoke, Va., and between Bluefield and Kenova, W. Va., which had been advanced in 1901 and 1903, were unreasonable and unduly discriminating and in violation of the long and short haul clause, as compared with rates for the longer distance to Roanoke and Lynchburg, the Commission held (11 I. C. C. Rep., 640) that in view of judicial interpretations of the act, the facts in this case furnished no basis for a conclusion that the rates in question were in violation of the long and short haul clause, but that the rates to intermediate

points of which complaint was made were excessive, unreasonable, and unjust, and should not exceed those in force before the advances were made effective.

Rates on freight articles from Cincinnati and Memphis to Helena and McRae, Ga.—The rates on canned goods, grain, flour, hay, and packing-house products from Cincinnati, Ohio, and Memphis, Tenn., to Helena and McRae, Ga., were complained of as unlawful in comparison with the rates on the same articles from the same points of shipment to Cordele and Fitzgerald, Ga., towns in the section of country surrounding Helena and McRae. After giving due consideration to the conditions and circumstances, the Commission held (11 I. C. C. Rep., 650) that the situation of Helena and McRae was not so similar to that of Cordele as to require application of the Cordele rates; but that the rates in question from Cincinnati and Memphis to Helena and McRae were unreasonable and unjust and should not exceed those to Fitzgerald. The order in this case was complied with.

Rates on beer from Milwaukee to Woodward, Okla.—At various times prior to April 9, 1902, the rates on beer from Milwaukee, Wis., to Woodward, Okla., were higher than from Milwaukee to Oklahoma City. On the date mentioned, the rate to Woodward was made no higher than the rate to Oklahoma City. After stating the history of the rates to Woodward, Okla., and other points in the same section of country, the Commission held (11 I. C. C. Rep., 689) that the rates charged upon specific shipments made by complainant were unreasonable and unjust. Reparation was awarded.

Coal rates from Superior, Wis., to Hastings, Minn.—It appeared that the carrier's rate on anthracite coal from Superior, Wis., to Hastings, Minn., was $1.75 per net ton; on bituminous coal, $1.40 per net ton; whereas its rates from Superior to Afton, Minn., the traffic passing through Hastings, were $1.40 per net ton on anthracite and $1.05 on bituminous coal. The Commission held (11 I. C. C. Rep., 675) that the third and fourth sections of the act were not violated, because competitive conditions exist at Afton which prevent the maintenance of higher coal rates than those now in effect; that such coal rates to Hastings are unreasonably high and should not exceed $1.50 per net ton on anthracite and $1.25 per net ton on bituminous coal; and that as the Commission was without authority to fix rates of the carrier, no order would be made. The Commission further stated that as Duluth, Minn., has the same coal rates to Hastings as Superior, Wis., and the railroad commission of Minnesota has ample authority to control the situation, complainant should first apply to that commission; and that it may often happen that a single rate out of an entire system of rates may, when examined by itself, appear to be unreasonable, even though, when considered as a part of the whole system, it is justifiable. To reduce this single rate would perhaps disarrange the entire system

of rates in effect, and in a case of this sort the Commission does not feel that it should interfere until strong reasons for such interference are presented.

Complaints of unreasonable rates dismissed.—In the case of Planters' Compress Company *v.* Missouri, Kansas and Texas Railway Company et al. (11 I. C. C. Rep., 606), the decision of the Commission followed the decision rendered in the case brought by the same complainant against the Cleveland, Cincinnati, Chicago and St. Louis Railway Company et al. (11 I. C. C. Rep., 382), and reaffirmed the ruling in that case that the application by the carriers of uniform rates on cotton in any quantity and their refusal to concede lower rates based upon car loadings was not in violation of the regulating statute.

The application of double first-class rates to a particular kind of electrical apparatus called the "Scheidel outfit," the same rates being applied to x-ray apparatus and scientific or medical instruments, was held not to be unreasonable, although electrical apparatus, not otherwise specified, was given first-class rates. This case arose under the Western Classification, and it was held (11 I. C. C. Rep., 532), that under the conditions governing the manufacture and use of complainant's outfit, such outfit was properly classified with x-ray apparatus and medical or scientific apparatus, and was not entitled to a first-class rating with dynamos, transformers and other electrical machinery; but no opinion was expressed upon the justice of the first-class rate for such machinery.

Carriers in eastern territory charged the same rate on a second-hand dynamo shipped from the electric-light station to the repair shop as they would exact upon a new or second-hand dynamo sent to the electric-light station for use. The Commission held (11 I. C. C. Rep., 581) that it could not say under these circumstances that it was unjust or unreasonable to exact the same charge for a new and a second-hand dynamo. It was held, however, that old dynamos, which had become merely combinations of copper, brass and iron scrap and valuable only as junk should, under suitable regulations fixed by the carrier, be given the rating for junk, basing the same on the highest class metal used in the construction.

In the case of S. J. and S. Cannon *v.* Mobile & Ohio Railroad Company, it appeared that rates on flour from Louisville and Evansville by the Southern Railway to Berry, Ala., on the line of the Southern, and by the Southern and Mobile & Ohio to Gordo, Ala., on the line of the Mobile & Ohio, were less than those of the Mobile & Ohio from Ava and Cairo, Ill., to Gordo. The rate by the Southern from St. Louis to Gordo was the same as that of the Mobile & Ohio from St. Louis and Ava, although the distance by the former is about twice that from Ava by the latter, and much greater than that from St. Louis by the Mobile & Ohio; but the Commission held (11 I. C. C. Rep., 537) that

these facts did not warrant a conclusion that the flour rates from St. Louis, Ava, and Cairo to Gordo were unreasonable.

It also appeared that the carrier's published tariffs to various points in Alabama, including Gordo, as well as those of the Louisville & Nashville, Southern, and Illinois Central to some points in Alabama, showed in some instances charges per barrel of flour considerably less than double the rate per 100 pounds in sacks, while in other cases, as in the instance of Gordo, the barrel rate was materially in excess of double the rate per 100 pounds in sacks, and this notwithstanding the weight of a barrel of flour is substantially double the weight of flour as shipped in sacks. The rates on sack flour are commodity rates, and the evidence led to the inference that shipments of flour in barrels would be given double the rate on flour in sacks, although this may not correspond to the actual published rate on flour in barrels. On this phase of the case the Commission expressed the opinion that it is manifestly contrary to law and leads to confusion for one line of rates to be retained in published tariffs while others are in fact used on actual shipments, and that so long as carriers in Southern Classification territory deem it necessary to retain class F in their classification and publish rates applicable thereto, including flour in barrels, and at the same time publish commodity rates on the same article carried in sacks, there should be uniformly a just relation in such rates. The case was retained with respect to the rates in question on flour shipped in barrels, unless the same should be changed to conform relatively to those applied to shipments in sacks.

Upon complaint of J. J. Marley & Son against the Norfolk & Western Railway Company and others, it appeared that there are two routes over which coal may be shipped from the Thacker district in West Virginia to Alexandria, Ind.; one by the Norfolk & Western and Cleveland, Cincinnati, Chicago & St. Louis, the shorter line, and one by the Norfolk & Western, Hocking Valley, and Lake Erie & Western. Complainants, in 1903, had shipped to them at Alexandria, Ind., eight carloads of coal from the Thacker district, West Virginia, over the latter route, and by that line the published rate was $1.90 per ton, while over the other route the rate was $1.65 per ton. On November 26, 1903, the rate by the route used was reduced to $1.65, and later the other line lowered its rate to $1.55. The complainants, acting on behalf of the consignor, demanded reparation. The evidence related solely to the rate itself, and the fact that a lower rate was in force over a competing short line. The Commission held (11 I. C. C. Rep., 616) that the rate charged was not shown to have been unreasonable, and that in view of their published tariff the carriers in the through line over which the coal was carried could not lawfully have applied the lower rate in effect over the competing line.

In the case of Weil Brothers & Co. against the Pennsylvania Rail-

road Company and others (11 I. C. C. Rep., 627), it was alleged by the complainants that the rate of 62 cents per 100 pounds on "wool in the grease" from Philadelphia, Pa., to Fort Wayne, Ind., was unreasonable and also unjust in comparison with a rate on the same commodity of 43 cents eastbound from Fort Wayne to Philadelphia. The Commission held upon the evidence, as presented, that the 62-cent rate westbound was not shown to be unreasonable or unjust, and that the complaint should be dismissed.

In the case of R. C. Brabham et al *v.* Atlantic Coast Line Railroad Company et al. (11 I. C. C. Rep., 464), the passenger fares from Ellenton, S. C., to Augusta, Ga., and from Jackson, S. C., to Augusta, Ga., were complained of as unreasonable, because the same were higher than the mileage rates fixed by South Carolina and Georgia for travel within those States. The Commission held in this case that the rates fixed by the State commissions of South Carolina and Georgia were presumptively reasonable; but that such presumption was not conclusive, and railroad companies were entitled to show the contrary in a case involving rates on interstate traffic. It was further held that a railroad company is entitled to a fair return upon the value of that which it employs for the public convenience, and that in view of all the facts it was not apparent that the passenger rates complained of were unreasonable.

Transcontinental rates on woodenware.—It appeared that the carriers' rates on woodenware were higher from Menasha, Wis., to north Pacific coast terminal points than from such Pacific coast terminals to Missouri River and Mississippi River points to Chicago common points, including Menasha. Upon complaint that such rate adjustment resulted in unreasonable rates from Menasha and undue preference to Pacific coast woodenware shipments, the Commission held (11 I. C. C. Rep., 666) that there was no sufficient basis in the record for a conclusion that the rates involved were unreasonably excessive; that existing disparities in the rates eastbound and westbound on the traffic in question constituted undue discrimination against the complainant, but that the record furnished no sufficient basis for such specific order respecting the exact adjustment of the rates on the different articles involved as would fulfill the requirements of the law as to justice and equality; that no order would be entered, but the carriers were expected to so readjust the rates as to remove the undue discrimination.

Rates on screen doors and windows from Michigan to Vermont.—Upon complaint that the rates on wire-screen doors and windows east bound from Fenton, Mich., a place near Detroit, to Winooski, Vt., and certain other eastern points were higher than the rates on such articles westbound from Winooski to Detroit and certain other western points, and resulted in unreasonable rates and unjust discrimination against such eastbound shipments, the Commission held (11 I. C. C.

Rep., 659) that somewhat lower rates on westbound than on eastbound traffic seemed, from the difference in conditions, to be justified; but no satisfactory reason appeared why there should be a greater disparity between the rates on the traffic in question eastbound and westbound than that which prevailed on articles of substantially the same character in the classes. The Commission stated that in unjust discrimination cases the difference in cost of manufacture to the competing shippers offers no ground of itself to the carriers nor to the Commission for adjustment of rates. The case was retained with the expectation that the carriers would make substantial readjustment of the rates in accordance with the views expressed in the opinion.

Grain rates from Minnesota points to Chicago.—A case arose involving the legality of a rate of 15 cents per 100 pounds on grain from Goodhue, Minn., to Chicago, Ill., the carrier charging only 12½ cents per 100 pounds from Red Wing, Minn., to Chicago, and the traffic from Red Wing passing through Goodhue. The Commission held (11 I. C. C. Rep., 683) that the carrier did not in this case violate the long and short haul clause of the statute, because substantial dissimilarity of circumstances and conditions exist as between Goodhue and Red Wing, and it further held that such rate adjustment did not violate the third section, as the discrimination was not shown to be undue. The record was too meager to warrant an expression of opinion as to the reasonableness of the 15-cent rate from Goodhue, and the complaint was dismissed without prejudice.

In another case relating to rates on grain from Pine Island, Minn., to Chicago the same conclusions were announced.

Lumber rates from Dalton, Ga., to Cincinnati, Ohio.—Upon a complaint involving the rates on lumber from Dalton, Ga., to Cincinnati, Ohio, it appeared that the rate on pine lumber from southern Georgia points to Chattanooga, Tenn., was 2 cents per 100 pounds higher than to Dalton, Ga.; but on shipments to Cincinnati, Ohio, Chattanooga took a 2-cent lower rate than Dalton. There was also a dressing-in-transit privilege at Dalton, for which 2 cents per 100 pounds additional were charged. The lumber shipped out of Chattanooga was mostly hard wood, the southern pine lumber brought to that point being practically consumed there. Cleveland and Charleston, Tenn., took the Chattanooga rate on lumber to Cincinnati, but the conditions at those points were not the same as at Dalton, and no wrongful discrimination resulted from the adjustment of rates. The Commission held (11 I. C. C. Rep., 632) upon complaint against the rate from Dalton that under all the circumstances the lumber rate from Dalton to Cincinnati was not so discriminative nor exorbitant as to justify its disturbance at the time, and that the reasons existing for lower lumber rates from the southern pineries did not apply to the reshipment of dressed lumber from Dalton.

Freight rates from Chicago and St. Louis to Griffin, Ga.—Upon complaint of alleged unjustly higher freight rates from Chicago and St. Louis to Griffin, Ga., than to Macon, Americus, Albany, or Dawson, Ga., it appeared that the three last-named cities are situated at considerable distances from Griffin; that while Griffin pays higher rates than those in force to such cities, there is no competition between them and Griffin for trade in common territory, and that Griffin's real difficulty was in the relation of rates to that point and Macon and Atlanta, between which points Griffin is located, which enjoy much lower rates than either Americus, Albany, or Dawson. The rates from New Orleans are for a longer distance to Griffin than to Americus, Albany, or Dawson. Competition created dissimilarity of circumstances and conditions affecting the transportation of traffic from the points of shipment mentioned to Macon and Griffin. The Commission held (11 I. C. C. Rep., 522) that under the construction of the law as announced by the courts, no undue prejudice against Griffin, or violation of the long and short haul clause, was shown in this case; and while the practice of making rates to Griffin by combining rates to Atlanta with local rates therefrom to Griffin might result in unreasonable charges, the evidence in the case was insufficient to warrant a conclusion in that respect.

Rates on reconsigned hay from East St. Louis, Ill.—Upon complaint involving the reconsignment charge on hay from East St. Louis, Ill., the Commission found that the service of the carriers in handling reconsigned hay at and from East St. Louis is more expensive as a general rule, if not invariably, than the service performed in case of shipments through East St. Louis, while the privilege of reconsigning hay from that point at a charge less than the established local rate is of substantial value to dealers in that city. It was held (11 I. C. C. Rep., 486) that the fact that through rates are less than the sum of the in-and-out rates is not of itself a valid ground of objection, nor is it unlawful for carriers to maintain reconsignment rates which are higher in some cases than their proportion of through rates; and that the fact that the reconsignment rate is sometimes the same as the proportion of the through rate does not warrant an inference of illegal conduct or support a charge of unjust discrimination.

Discrimination in furnishing cars.—In September, October and November, 1905, the carrier unjustly discriminated in furnishing cars for hay and grain shipments against the complainant, located at Grover Hill, Ohio, and in favor of other shippers, including the operators of an elevator. The complainant was awarded reparation in the sum of $200 (11 I. C. C. Rep., 619).

Overcharges on hay.—Upon two carloads of hay shipped about May 8, 1902, from Pataskala, Ohio—one to Wilmington, N. C., and the other to Greenville, N. C.—it appeared that the Wilmington shipment was

overcharged 1 cent per 100 pounds, and that on the Greenville shipment the rate under published tariffs should have been 30 cents per 100 pounds, instead of a higher rate, claimed by the carriers to have been 30½ cents and by the complainant to have been 36 cents, the proof not indicating definitely what was actually charged. It was held (11 I. C. C. Rep., 475) that the findings of the Commission indicated a basis for adjustment and refund which should be made, and the case was held open for further proof and order, if that course should become necessary. The Commission further found that the circumstances and conditions governing hay traffic from Columbus and Pataskala, Ohio, were substantantially dissimilar at the time when a lower rate from Columbus than from Pataskala to Greenville and Wilmington was in force, and complainant's demand for reparation based upon the rate then in force from Columbus was not sustained.

The same complainant shipped a carload of hay from Summit, Ohio, to Lenoir, N. C., and claimed that shipping instructions were given to route the car via "Strasburg Junction and Southern Railway." The initial carrier denied this and asserted that instructions were given to route via "Cincinnati and Southern Railway," the route actually used. The rate was less via Strasburg than via Cincinnati. The complainant was unable to prove definitely the giving of instructions to route via Strasburg, but both the complainant and the carrier agreed that shipping instructions were given. The Commission held (11 I. C. C. Rep., 481), that if the carrier had, contrary to positive instructions from the shipper, routed the car by an indirect and expensive line instead of the direct and cheaper route, or had, without any instructions, sent the car by the longer route, so as to burden the shipper with needless expense, such action would be, prima facie, unjust and unreasonable, and, without justification, would constitute fair basis for an order of reparation, but that the giving of instructions relieves the carrier from any obligation to forward by the cheaper route, and in this case, where the testimony did not indicate what instructions were actually given, an order in favor of the complaining shipper could not be issued.

Through routes and joint rates.—Upon formal complaint brought by the Fred G. Clark Company it appeared that the New York, New Haven & Hartford Railroad Company refused to make and maintain joint through rates on petroleum and its products from Cleveland, Ohio, Pittsburg, Pa., and other points in Pennsylvania and Ohio to points reached by its line in New England, and on all such traffic insisted upon exacting the local charges from junction points with carriers to the various destinations. The carrier does participate in through rates to New England points on other traffic generally. Ordinarily the rate to Boston applied to points in Massachusetts and Connecticut, including junction points with the carrier, and it resulted that its

refusal to join in through rates on petroleum and its products operated to increase the rate by the amount of its local charge. The Standard Oil Company brings crude oil by pipe line to its seaboard refineries and sends the refined oil and the products by tank steamers to distributing stations at Wilson Point, Conn., and India Point, R. I., and also has distributing stations at New London, Conn., and East Boston, Mass. From the distributing stations the oil and products are shipped out locally to interior points. Independent shippers, like complainants, were obliged to send shipments by rail to the same destinations.

The Commission found (11 I. C. C. Rep., 558) that the refusal of the New York, New Haven & Hartford Railroad Company to consent to and participate in through rates on that traffic was unjust and unreasonable, and the situation such as to operate greatly to the advantage of the Standard Oil Company. There being no competitive relation between petroleum and its products on the one hand and other articles of traffic on the other, it was held that the failure of the carrie to provide joint rates on petroleum and its products, while maintaining joint rates on other traffic, did not constitute wrongful preference and advantage. The act to regulate commerce did not as it then stood authorize the Commission to compel the establishment of joint rates by connecting carriers, nor to prescribe the divisions of joint rates or the conditions of interchange in case the connecting carriers failed to agree in respect thereto; and it followed, notwithstanding the combination rates complained of were unjust and unreasonable and the general shipping situation such as to work a practical monopoly in favor of the Standard Oil Company, that relief could not be afforded by the Commission, and the complaint was dismissed.

In an investigation entitled "In the matter of alleged unlawful discrimination against the Enterprise Transportation Company by railroad lines leading from New York City" (11 I. C. C. Rep., 587) it was shown that railroad leading lines west from New York City made joint through rates with the New England Navigation Company, controlling the Fall River line of steamers, which plies between New York and Fall River, Mass., and some other New England cities, and also controlling other important steamer lines operating on Long Island Sound. Such joint rates applied in both directions between Western and New England points. The New England Navigation Company is owned and operated by the New York, New Haven & Hartford Railroad Company. The rail lines centering in New York and running westerly thereof refused, for stated business reasons, to make the like or any joint-rating arrangement with the Enterprise Transportation Company, a steamship line plying between Fall River and other New England points and New York City and in competition with the New England Navigation Company's Fall River line.

It appeared that the Fall River line might, by reducing rates on

local traffic, force out of business the Enterprise Transportation Company, while obtaining a lucrative and supporting business from the through traffic, and upon disappearance of such competition restore the former charges. The existence of the Enterprise Transportation Company as a competitive factor was of distinct value to the public, and that existence might depend upon its right to engage in through business. This investigation was made by the Commission with the understanding that it was without power to grant any relief, and no opinion as to whether the through routing arrangement should have been extended to the Enterprise Transportation Company was expressed; but the Commission expressed the opinion that if the public is to have the legitimate benefit of water competition it is evident that authority should be provided to establish through routes between rail and water carriers, or at least to prevent unjust discrimination by rail carriers between connecting water lines.

COMPLAINTS BEFORE THE COMMISSION.

Since the nineteenth annual report of the Commission was submitted to the Congress 1,084 complaints have been filed with the Commission for consideration and action. These cases include both formal and informal complaints, as well as proceedings and investigations instituted by the Commission upon its own motion and under resolutions of the Congress. The number of formal cases and investigations instituted during the year is 82, relating directly to the rates and practices of 559 carriers. Following is a brief statement of the cases and investigations formally instituted before or by the Commission during the year and the provisions of law involved:

No. 855. Unreasonable rates on solid rubber tires in packages and bicycle single-tube and double-tube types of rubber tires crated or boxed in less than carloads. Sections 1, 2, and 3.

No. 856. Discrimination in the matter of supplying cars for coal shipments. Section 2.

No. 857. Unjust classification of second-hand dynamos and unreasonable charge on shipments from Marietta, Ga., to Cleveland, Ohio. Reparation claimed. Sections 1, 2, and 3.

No. 858. Unjust classification on single and double tube types of rubber tires as compared with solid rubber tires, and like rate on carload and less than carload shipments. Sections 1, 2, and 3.

No. 859. Unreasonable advance in rates on pressed glassware, including tableware, lamps, and lamp chimneys in carload lots from Pittsburg to Fort Smith, Ark. Sections 1, 2, and 3.

No. 860. Greater rate on wheat and barley from the shorter distance from Goodhue, Minn., to Chicago, than for the longer distance from Red Wing, Minn., to Chicago. Sections 1, 2, 3, and 4.

No. 861. Unreasonable and discriminating rates on hard and soft coal from Spokane, Wash., to Hastings, Minn., as compared with the rate to Afton, Minn. Sections 1, 2, 3, and 4.

No. 862. Higher rate on cattle and on millet, wheat, and other grain to Chicago and Milwaukee for the shorter distance from Hastings, Minn., than for the longer distance from either Minneapolis, St. Paul, or Stillwater. Higher rate on rye to Louisville, Ky., from Hastings, Minn., than from Minneapolis or St. Paul. Higher rate on corn and oats to Adrian, Battle Creek, Detroit, and Benton Harbor, Mich., Belfast, Hanna, Laporte, and Thomaston, Ind., and Toledo, Ohio, than from Minneapolis and St. Paul. Sections 1, 2, 3, and 4.

No. 863. Investigation by the Commission in the matter of the transportation of petroleum and its products from points in Kansas and Indian Territory to interstate destinations.

No. 864. Unreasonable and prejudicial advance in rate on sulphuric acid in tank cars from La Salle, Peru, and Winona, Ill., and Indianapolis, Ind. Reparation claimed. Sections 1, 2, and 3.

No. 865. Unreasonable and discriminating rates on hames in boxes and bundles from Blanchester, Ohio, to Montgomery, Ala., as compared with the rate to Mobile, Ala., and longer distance points. Reparation claimed. Sections 1, 2, 3, and 4.

No. 866. Unreasonable and prejudicial rates on hames in boxes and bundles from Blanchester, Ohio, to Selma, Ala., as compared with the rate to Mobile, Ala. Reparation claimed. Sections 1, 2, and 3.

No. 867. Investigation by the Commission in the matter of alleged unlawful discrimination against the Enterprise Transportation Company by railroad lines leading from New York City.

No. 868. Unjust differentials on flour in favor of wheat from Wichita, Kans., to San Francisco, Cal., and other Pacific coast terminals, and Phœnix and other Arizona points. Sections 1, 2, and 3.

No. 869. Investigation by the Commission in the matter of the relation of common carriers subject to the act to regulate commerce to coal and oil and the transportation thereof.

No. 870. Discrimination in refusing to handle a personally conducted tour from Brooklyn, N. Y., to Los Angeles, Cal. Section 3.

No. 871. Discrimination against shippers not members of the Central Traffic Association Weighing Bureau in requiring dressed poultry in barrels ice packed from Eldorado, Ill., to New York, N. Y., to be billed at full gross weights, including weight of ice. Reparation asked. Sections 2 and 3.

No. 872. Unreasonable and prejudicial rates on waste from Augusta, Ga., to New York, N. Y. Reparation asked. Sections 1 and 3.

No. 873. Higher rate on lumber and forest products between interstate points on such traffic as coal, coke, grain, cattle, and other freight, and unreasonable requirement requiring shippers to wrap with stakes, at their own expense, lumber when loaded in gondola or flat cars. Sections 1, 2, and 3.

No. 874. Unreasonable and discriminating rates on wall plaster from Quanah, Tex., to Kansas City and St. Louis, as compared with the rates from Southard and Cement, Okla. Sections 1, 2, and 3.

No. 875. Investigation by the Commission in the matter of the relations of common carriers subject to the act to regulate commerce to the ownership and operation of elevators and the buying, selling, and forwarding of grain.

No. 876. Investigation by the Commission in the matter of the applications of express companies for additional time within which to file tariffs.

No. 877. Discrimination against East St. Louis in favor of other gateways, in reconsignment charge on hay. Reparation claimed. Sections 1, 2, and 3.

No. 878. Investigation by the Commission in the matter of alleged unlawful rates and practices in the transportation of ice to and from Toledo, in the State of Ohio.

No. 879. Discrimination in rates against Spokane in favor of other Pacific coast terminals from points east of the State of Washington. Sections 1, 2, 3, and 4.

No. 880. Unreasonable and prejudicial rates on live stock in carloads from Fort Worth, Tex., to Birmingham, Ala., as compared with rate on fresh beef and packing-house products. Sections 1, 2, and 3.

No. 881. Discrimination against the complainant in refusing to accept for transportation packages marked "C. O. D." Section 3.

No. 882. Discrimination in supplying cars for shipments of grain and excessive charge on carload shipment of corn from Tulsa, Ind. T., to Galveston, Tex., which was shelled and reconsigned at Broken Arrow. Reparation claimed. Sections 1, 2, and 3.

No. 883. Unreasonable and discriminating rates on grain and grain products from Ponca City, Okla., and points in Indian Territory, Kansas, Missouri, and other States. Reparation claimed. Sections 1, 2, 3, and 4.

No. 884. Unreasonable and discriminating reconsignment charge on shipments of hay to East St. Louis from points in Kentucky, Virginia, and othes States east of the Mississippi River. Reparation claimed. Sections 1, 2, and 3.

No. 885. Refusal to furnish side-track connections at complainant's mines in Sweetwater County, Wyo., while granting like privilege to other coal companies. Section 3.

No. 886. Refusal to maintain through routes and joint rates on live stock from points on the line of the Texas and Pacific Railway Company to markets at Kansas City, Chicago, National Stock Yards, Ill., St. Louis, Mo., Omaha, Nebr., and other points. Sections 1 and 3.

No. 887. Investigation by the Commission in the matter of the petitions of various cotton-carrying roads for authority to change rates upon export cotton on less than 30 days' notice to the Commission.

No. 888. Unreasonable and prejudicial rates on peaches in carloads from Macon and Atlanta, Ga., to Washington, Baltimore, Philadelphia, and New York, as compared with the rates to Buffalo, N. Y., Erie, Pa., and Pittsburg, Pa. Sections 1, 2, and 3.

No. 889. Unreasonable and prejudicial rates from Boston, Providence, New York, Philadelphia, and Baltimore to Denver, on calicoes, cambrics, canton or cotton flannel, and other cotton piece goods, with no diminution in charge on shipments in carload quantities. Sections 1, 2, 3, and 4.

No. 890. Unreasonable and discriminating rates on cotton fabrics from producing points in Texas to Wichita, Kans., as compared with the rates to Kansas City, St. Louis, Omaha, and Chicago. Sections 1, 2, 3, and 4.

No. 891. Unreasonable and prejudicial rates on knit goods from New York and other points in seaboard territory by water and rail via Galveston to Wichita, Kans. Sections 1, 2, 3, and 4.

No. 892. Unreasonable and discriminating rates on cotton piece goods from East St. Louis, Ill., and Kansas City, Mo., to Wichita, Kans. Sections 1, 2, and 3.

No. 893. Unreasonable and discriminating rates on red brick in carloads from Frederick, Md., to Elberon, N. J. Reparation claimed. Sections 1, 2, and 3.

No. 894. Discrimination in the use of the package express at Hockessin, Pa., against patrons of trolley road. Sections 1, 2, and 3.

No. 895. Investigation by the Commission in the matter of allowing changes in export and import rates on less than thirty days' notice.

No. 896. Unreasonable classification of common fire brick, resulting in unreasonable and discriminating rates from Cleveland, Strasburg, Empire, and other points in Ohio to points in New York and Pennsylvania.

No. 897. Investigation by the Commission in the matter of the construction, publication, and filing of rate schedules.

No. 898. Discrimination against the town of Chase, Ind. T., by the removal from and failure to maintain the station at Chase. Sections 1, 2, and 3.

No. 899. Unreasonable rates on undyed skein silk from various points in Pennsylvania, New Jersey, Delaware, and New York to Petersburg, Va., or dyed silk from Petersburg to the points named above. Section 1.

No. 900. Discrimination against El Paso, Tex., in refusing to recognize it as a Texas common point. Sections 1, 2, and 3.

No. 901. Unreasonable and prejudicial rates on live hogs from Chicago, St. Louis, East St. Louis, Kansas City, and other Missouri River points to Cleveland, and on boxed meats from Cleveland to New York and other Atlantic seaboards. Sections 1, 2, and 3.

No. 902. Unreasonable minimum carload weight on manure and discrimination in requiring prepayment of freight charges. Sections 1, 2, and 3.

No. 903. Unreasonable advance in rates on flowers from Summerville and Chatham, N. J., Allentown, Philadelphia, Hillside, and Dorranceton, Pa., to New York.

No. 904. Overcharge on carload shipments of lumber from Ford, Va., to Brooklyn, Md. Reparation claimed. Sections 1, 2, and 3.

No. 905. Unreasonable minimum carload weight on furniture from Highpoint, N. C., Danville, Va., and other points in North Carolina and Virginia to San Francisco, Portland, Seattle, and other Pacific coast terminals, resulting in discriminating and unreasonable rates. Sections 1, 2, and 3.

No. 906. Unjust cancellation of joint through rates from points on the International and Great Northern Railroad via San Antonio to New Orleans, La., causing unreasonable advance in rates on live stock. Reparation claimed. Sections 1, 2, and 3.

No. 907. Excessive minimum carload weight on baled straw from Center Point, Iowa, to Chicago, Ill., causing unreasonable rates; also unreasonable demurrage charge. Reparation claimed. Section 1.

No. 908. Greater class and commodity rates from Chicago, St. Louis, and Kansas City for the shorter distance to Leadville, Glenwood Springs, Grand Junction, and points intermediate thereto than for the longer distance to Salt Lake City and Ogden. Discrimination in favor of Standard Oil Company also alleged. Sections 1, 2, 3, and 4.

No. 909. Unreasonable and discriminating rates on semibituminous coal in carloads from St. Louis, Mo., to Oklahoma City, Okla. Sections 1, 2, and 3.

No. 910. Discrimination in the privilege of the compression of cotton in transit at Union Springs, Ala., on through shipments to Savannah, Ga. Sections 1, 2, and 3.

No. 911. Unreasonable and prejudicial rates on grain and flour in sacks and barrels and packing-house products from St. Louis and Memphis to Union Springs, Ala. Sections 1, 2, and 3.

No. 912. Unreasonable and unjust rates on petroleum and its products from Chicago and Peoria, Ill., and Milwaukee, Wis., to St. Paul, Minn., and Duluth, Minn. Sections 1, 2, and 3.

No. 913. Unreasonable and prejudicial rates on petroleum and its products from Chicago and Peoria, Ill., Omaha, Nebr., Sioux City, Iowa, and Sioux Falls, S. Dak. Sections 1, 2, and 3.

No. 914. Unreasonable rates on petroleum and its products from Toledo, Findlay, Cleveland, and Marietta, Ohio; Pittsburg, Freedom, Oil City, Titusville, Warren, and Bradford, Pa., to San Francisco, Cal., and other Pacific coast terminals, creating unjust preferences in favor of the Standard Oil Company. Sections 1, 2, and 3.

No. 915. Unreasonable and discriminating rates on cotton seed in carloads from Uni, Belcher, Lane, and other points in Louisiana to Hope, Ark. Sections 1, 2, and 3.

No. 916. Unreasonable and prejudicial rate on waste from Augusta, Ga., to New York, N. Y. Reparation asked. Sections 1 and 3.

No. 917. Unjust differentials on flour in favor of wheat from Wichita, Kans., to San Francisco, Cal., and other Pacific coast terminals, and Phoenix and other Arizona points. Sections 1, 2, and 3.

No. 918. Unreasonable and prejudicial rates on wheat and corn from points in Kansas to Kansas City, Mo., and to Galveston, Tex. (domestic and export shipments), in some instances being a higher charge for the shorter than for the longer distance over the same lines in the same direction. Sections 1, 2, 3, and 4.

No. 919. Unreasonable and prejudicial rates on wheat and corn from points in Kansas to Kansas City, Mo., and to Galveston, Tex. (domestic and export shipments), in some instances being the higher charge for the shorter than for the longer distance over the same lines in the same direction. Sections 1, 2, 3, and 4.

No. 920. Unreasonable and discriminating rates on wheat in carloads for export from points in Oklahoma to Galveston, Tex. Sections 1, 2, 3, and 4.

No. 921. Unreasonable charge on two carload shipments of lumber from Rockland, Tex., to Tampico, Mexico. Reparation claimed. Sections 1, 2, 3, and 4.

No. 922. Discrimination in refusing to make joint through rates on passenger traffic at Kennedy, N. Mex., or allowing interchange of round-trip passenger rates. Sections 1, 2, and 3.

No. 923. Discrimination against East St. Louis in favor of other gateways in reconsignment charge on hay. Reparation claimed. Sections 1, 2, and 3.

No. 924. Discrimination in the matter of differentials against Amarillo, Tex., as against other Texas common points. Sections 1, 2, and 3.

No. 925. Greater rate on coal, corn, flour, and canned goods from Kansas City, St. Louis, and Chicago for the shorter distance to San Buena Ventura than for the longer distance to Marysville, San Francisco, Los Angeles, and San Diego, known as Pacific coast terminals. Sections 1, 2, 3, and 4.

No. 926. Unreasonable rate on hogs in carloads from St. Paul, Omaha, Sioux City and points taking Missouri River rates, and from intermediate points in Iowa, Minnesota, Nebraska, and North and South Dakota, to Seattle, Wash., and refusal to furnish double-deck cars for the transportation of live hogs. Reparation claimed. Sections 1, 2, and 3.

No. 927. Unjust classification of roller letter copiers as compared with copying presses. Sections 1, 2, and 3.

No. 928. Unreasonable class and commodity rates from Chicago, Ill., Kansas City, Mo., St. Louis, Mo., Memphis, Tenn., New Orleans, La., Galveston, Tex., Fort Worth, Tex., Oklahoma, Okla., Wichita, Kans., Denver, Colo., and other points to Roswell, Hagerman, Artesia, and Carlsbad, N. Mex. Sections 1, 2, and 3.

No. 929. Discrimination against complainant in favor of Standard Oil Company on shipments of oil in tank cars from Titusville, Pa., to Brooklyn, N. Y., and unreasonable rates for transportation. Sections 1 and 3.

No. 930. Unreasonable and discriminating rates on coal from points in Indian Territory to Enid, Okla. Reparation claimed. Sections 1, 2, and 3.

No. 931. Greater rate on butter, eggs, cheese, dressed poultry, wheat, corn, flour, and coal from Kansas City and Chicago for the shorter distance to Santa Barbara, Cal., than for the longer distance to Marysville, Los Angeles, and San Diego, known as Pacific coast terminals. Sections, 1, 2, and 3.

No. 932. Unreasonable and discriminating rates through failure to allow carload rates on combined shipments of corn and oats from Blairstown, Iowa, to Chicago, Ill. Reparation claimed. Sections 1, 2, and 3.

No. 933. Investigation by the Commission in the matter of rates, practices, accounts, and revenue of carriers subject to the act to regulate commerce.

No. 934. Carload rates on brick machinery for the shorter distance from Lockland, Ky., to East St. Louis, Ill., than for the longer distance from Louisville, Ky. Reparation claimed. Sections 1, 3, and 4.

No. 935. Unreasonable rates on coal in carloads from Ashland, Wis., to Bessima, Mich. Section 1.

No. 936. Unjust classification of burial vaults, cement, knocked down, in less than carload quantities. Sections 1, 2, and 3.

HEARINGS AND INVESTIGATIONS.

Seventy-three hearings and investigations of alleged violations of the act to regulate commerce under joint resolutions of Congress have been had at general sessions of the Commission at its office in Washington and at special sessions held in New York, N. Y.; Chicago, Ill.; Milwaukee, Wis.; St. Paul and Duluth, Minn.; Fort Wayne, Ind.; Louisville, Ky.; Cleveland, Cincinnati, Columbus; and Toledo, Ohio; Philadelphia and Pittsburg, Pa.; Kansas City, Mo.; Des Moines and Davenport, Iowa; Baltimore, Md.; Omaha, Nebr.; Salt Lake City, Utah, and Knoxville, Tenn. Four sessions were held at New York, 6 sessions at Chicago, 2 sessions at St. Paul, 3 sessions at Louisville, 2 sessions at Cleveland, 2 sessions at Kansas City, 6 sessions at Philadelphia, and 2 sessions at Baltimore. The formal proceedings so heard and investigated involve the following matters:

Rates on petroleum and its products from Pittsburg, Pa., to Watertown, Conn. Rates on petroleum and its products from points in Pennsylvania and Ohio to points in Rhode Island and Connecticut. Classification of leather scraps in carloads, shipped in rolls, bundles, boxes, or loose, from Chicago and St. Louis to New York. Rates on electrical instruments and fixtures, known as "Scheidel's Coil Outfit," from Chicago to Salt Lake City, Utah. Rates on potatoes from Good Thunder, Minn., to Washington, D. C., and Mankato, Minn., to Scranton, Pa. Refusal to furnish cars at Cavett, Ohio, for hay transportation. Rates on wire screen doors and windows in carloads from Fenton, Mich., to Winooski, Vt., Boston, New York, and Philadelphia. Rates on "wool in the grease" from Philadelphia, Pa., to Fort Wayne, Ind. Failure to furnish cars at Grover, Ohio, for interstate shipments of hay and other products. Rate on freight from points east of the Mississippi and north of the Ohio rivers to Owensboro and Henderson, Ky. Rates on whisky from New York, Boston, Pittsburg, Buffalo, and other points to Pacific coast terminals. Rates on lumber loaded on flat or gondola cars because of the expense attached to staking such cars. Advances in rates on cattle, sheep, and hogs in carloads from points on line of defendant roads to points in New York, Massachusetts, and other Eastern States. Classification of second-hand dynamos from Marietta, Ga., to Cleveland, Ohio. Discrimination against Enterprise Transportation Company by railroad lines leading from New York City. Rates on plate glass in carloads from Chicago, Pittsburg, Kokomo, and East St. Louis to Minneapolis, Minn. Underbilling and misrepresentation of freights. Transportation of petroleum and its products from points in Kansas and Indian Territory to interstate destinations. Rates on shelled corn from Amity, Mo., to Pottsville, Iowa. Rates on scrap iron from Cedar Rapids, Iowa, to St. Louis, Mo., Chicago, and East St. Louis, Ill. Rates on anth-

racite coal in carloads from points in the anthracite coal region of Pennsylvania to New York, Boston, Washington, and other eastern points. Relations of common carriers subject to the act to regulate commerce to coal and oil and the transportation thereof. Rates on wheat, barley, rye, and other small grain from Pine Island, Minn., to Chicago. Rates on wheat and barley from Goodhue, Minn., to Chicago, Ill. Rates on hard and soft coal from Spokane, Wash., to Hastings, Minn. Rates on cattle and on millet, wheat, and other grains from Hastings, Minn., to Chicago and Milwaukee; on rye from Hastings to Louisville, Ky., and on corn and oats from Hastings to Adrian, Battle Creek, Detroit, and other points in Michigan, Indiana, and Ohio. Rates on hames in boxes and bundles from Blanchester, Ohio, to Montgomery, Ala. Rates on hames in boxes and bundles from Blanchester, Ohio, to Selma, Ala. Transportation of ice to and from Toledo in the State of Ohio. Petition of various cotton-carrying roads for authority to change rates on export cotton on less than thirty days' notice. Allowances to elevators by the Union Pacific Railroad Company. Rates on lumber and various products between interstate points and expense attached to staking gondola or flat cars. Allowing changes in export and import rates on less than thirty days' notice. Construction, publication, and filing of rate schedules. Relations of common carriers subject to the act to regulate commerce to the ownership and operation of elevators and the buying, selling, and forwarding of grain. Refusal to accept shipments of oil in tank cars from Titusville, Pa., to Brooklyn, N. Y, Rates, practices, accounts, and revenue of carriers subject to the act to regulate commerce.

In addition to the above, numerous conferences were held with various railroad officials and with shippers concerning application of the amended law.

CASES SETTLED AND DISCONTINUED.

Cases involving the following matters have been settled through concession of relief by the carriers:

Classification of steam boilers, engines, and parts thereof; carloads.

Classification of hair and wool refuse.

Rates on petroleum in tank cars or barrels from New Orleans, La., to Chicago, Cincinnati, St. Louis, and Louisville.

Refusal to furnish cars at Cavett, Ohio, for interstate shipments of hay.

Rates on solid rubber tires in packages and bicycle single-tube and double-tube types of rubber tires.

Rates on dressed poultry in barrels, ice-packed, from Thompsonville, Ill., to New York, charging gross weights, including full weight of ice.

Rates on bicycle tires and inner tubes, pneumatic, and tires, carriage or buggy, pneumatic.

Rates on evergreens from Potecasi, N. C., to Pittsburg, Pa.

Advance in rate on coal from San Antonio, N. Mex., to El Paso, Tex.

Rates on hames in boxes and bundles from Blanchester, Ohio, to Montgomery, Ala.

Rates on hames in boxes and bundles from Blanchester, Ohio, to Selma, Ala.

Rates on dressed poultry, ice-packed, from Eldorado, Ill., to New York, N. Y., charging for full gross weights, including ice.

Rates on coal from Glasgow, Pa., to points in New York, New Jersey, Maryland, Delaware, Massachusetts, Connecticut, New Hampshire, and Rhode Island.

Rates on petroleum and its products from Warren, Titusville, Oil City, and Pittsburg, Pa., to Peoria, Ill.

Classification of carload and less than carload shipments of petroleum oil in barrels, half barrels, cases, or half cases from points in the States of Iowa and Nebraska to points in the States of Minnesota, Kansas, North and South Dakota, and other States.

Advance in rates on glassware, including tableware, lamps, and lamp chimneys, from Pittsburg, Pa., and Gas City, Ind., to Fort Smith and other points in Arkansas.

Cases involving the following matters have been discontinued upon application of complainants:

Rates on potatoes and wheat in carloads from Gwinner, N. Dak., to Superior, Wis.

Rates on scrap iron in carloads from Gilman, Ill., to South Bend, Ind.

Rates on grease in boxes or barrels from Warren, Oil City, and Pittsburg to Boston and Boston points.

Differential freight rates to and from El Paso higher than those from so-called Texas common points.

Rates on waste from Augusta, Ga., to New York.

Rates on flour from Wichita, Kans., to San Francisco, Cal., and other Pacific coast terminals.

Mixed carload rates on corn and oats from Blairstown, Iowa, to Chicago, Ill.

Refusal to transport a personally conducted tour of Kismet Temple of the Mystic Shrine from Brooklyn to Los Angeles, Cal.

Rates on lumber from Rockland to Port Arthur, Tex., on through shipments to Tampico, Mexico.

Rates on freight generally from points in States other than Texas to Amarillo.

Reconsignment charge on hay in carloads at East St. Louis.

Rates on coal, corn, flour, and canned goods from Kansas City, St. Louis, and Chicago to San Buena Ventura, Cal.

Classification of roller letter copiers.

Rates on butter, eggs, cheese, dressed poultry, wheat, corn, flour, and coal from Kansas City and Chicago to Santa Barbara, Cal.

Rates on brick machinery from Lochland, Ky., to East St. Louis, Ill.

One case, involving the minimum carload weight of lumber from Chauncey, Ga., to Portsmouth, Va., was discontinued for want of prosecution.

CIVIL CASES PENDING IN THE COURTS.

Interstate Commerce Commission *v.* Northern Pacific Railroad Company et al. Fargo, N. Dak., Long and Short Haul case. United States circuit court, district of North Dakota.

Interstate Commerce Commission *v.* Western New York & Pennsylvania Railroad Company et al. Discriminating rates on petroleum oil. United States circuit court, western district of Pennsylvania.

United States *v.* Chicago & Northwestern Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Illinois Central Railroad Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Michigan Central Railroad Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Pennsylvania Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Pittsburg, Cincinnati, Chicago & St. Louis Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Lake Shore & Michigan Southern Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, northern district of Illinois.

United States *v.* Wabash Railroad Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Atchison, Topeka & Santa Fe Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Chicago, Rock Island & Pacific Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Chicago, Burlington & Quincy Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Chicago, Milwaukee & St. Paul Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Chicago & Alton Railroad Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

United States *v.* Chicago Great Western Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary

injunction granted. United States circuit court, western district of Missouri.

United States *v.* Missouri Pacific Railway Company. Proceeding to enjoin departure from published tariff rates. Temporary injunction granted. United States circuit court, western district of Missouri.

Cincinnati, Hamilton & Dayton Railway Company et al. *v.* Interstate Commerce Commission. Unjust classification of soap. United States Supreme Court.

Interstate Commerce Commission *v.* Chicago Great Western Railway Company et al. Rates on live stock from points in Iowa, Missouri, and Wisconsin to Chicago. United States Supreme Court.

Illinois Central Railroad Company et al. *v.* Interstate Commerce Commission. Rates on yellow pine lumber. United States Supreme Court.

Southern Railway Company et al. *v.* H. H. Tift et al. Rates on lumber from points in Georgia to Chattanooga, Tenn. United States circuit court of appeals, fifth circuit.

Southern Railway Company *v.* St. Louis Hay and Grain Company. Reparation for overcharges on reconsignments of hay from East St. Louis. United States circuit court of appeals, seventh circuit.

CRIMINAL PROCEEDINGS.

On January 17, 1906, Sebastian Zorn, Thomas G. Williams, and Jesse A. Bushfield pleaded guilty in the district court for the western district of Kentucky to receiving rebates, and each defendant was fined $1,025.

The indictments against Hollis H. Price and Charles Wells for false billing and false weighing and for conspiracy to violate the act, found in the district court for the western district of Kentucky, were consolidated. Price pleaded guilty on March 13, 1906, and was fined $1,025. The case was continued as to Wells.

In the district court for the western district of Missouri the jury, on June 13, 1906, rendered a verdict of guilty against the Chicago, Burlington & Quincy Railway Company for giving rebates on export traffic. On June 22 a fine of $15,000 was imposed.

In the same court, on May, 25, 1906, George L. Thomas and L. B. Taggart, indicted for conspiracy to obtain rebates, were found guilty, and on June 22 the court sentenced Thomas to pay a fine of $6,000 and to be imprisoned for six months and Taggart to pay a fine of $4,000 and to be imprisoned for three months.

Another indictment in the same court for a similar offense against George H. Crosby and Thomas and Taggart was consolidated with the last-named indictment, but the presiding judge at the trial, on motion, instructed the jury to bring a verdict of acquittal for defendants.

On June 12, 1906, Swift & Company, Armour Packing Company, Cudahy Packing Company, and Nelson Morris & Company were found guilty of receiving rebates on shipments of packing-house products in the district court for the western district of Missouri, and on June 22 each defendant was fined $15,000.

In the same court indictments against the Chicago & Alton Railway Company and the Chicago, Milwaukee & St. Paul Railway Company for giving rebates on export flour were, on June 11, 1906, nolle prossed.

John H. Faithorn, Fred A. Wann, and the Chicago & Alton Railway Company were found guilty in the district court for the western district of Missouri, on July 6, 1906, for giving rebates to the Schwarzschild & Sulzberger Company. On July 11, 1906, each defendant was fined on two counts—the Chicago & Alton, $40,000; Faithorn, $10,000, and Wann, $10,000.

The indictment obtained in the district court for the western district of Missouri against D. H. Kresky for conspiracy to obtain rebates was nolle prossed on June 11, 1906.

In the district court for the northern district of Illinois the Chicago, Burlington & Quincy Railway Company, Darius Miller, and C. G. Burnham were found guilty, on April 20, 1906, of giving rebates on shipments of tin plate. The court sentenced Miller and Burnham to pay a fine of $10,000 each, and the Chicago, Burlington & Quincy $40,000.

Indictments against the Great Northern Railway Company, C. E. Campbell, and L. W. Lake for giving rebates on shipments of iron pipe, and against R. D. Wood & Company and Camden Iron Works for receiving rebates on such iron pipe were found in the district court for the eastern district of Pennsylvania. On April 2 last the jury rendered a verdict of not guilty as to Walter Wood and Stuart Wood; and on September 25 last a verdict of guilty as to the Camden Iron Works. The cases are still pending as to the other defendants.

Two indictments were found in the same court against the Mutual Transit Company and two against Paul J. Diver for giving rebates on shipments of essence of coffee from Philadelphia to Minneapolis, Minn., and Winnipeg, Canada, respectively. These cases are still pending.

In the eastern district of Virginia indictments were obtained on January 10 last, and are still pending, against the Suffolk & Carolina Railway Company, the Gay Manufacturing Company, and William H. Bosley for concessions in rates on shipments of logs.

The New York Central & Hudson River Railroad Company and the Delaware & Hudson Company were indicted in the district court for the northern district of New York on January 10 last for giving rebates on shipments of general electric supplies. Cases still pending.

In the district court for the southern district of New York, the New York Central & Hudson River Railroad Company and Fred L. Pomeroy, having been found guilty of giving rebates on shipments of sugar from New York, were on October 19 last fined, respectively, $108,000 and $6,000.

On November 22, 1906, the American Sugar Refining Company and the New York Central & Hudson River Railroad Company, having been found guilty in the district court for the southern district of New York, the one of receiving and the other of giving rebates on shipments of sugar from New York, were each sentenced by the court to pay a fine of $18,000.

In the same court, on December 10 last, C. Goodloe Edgar and Edwin Earle pleaded guilty to an indictment charging them with receiving rebates on sugar shipments from New York to Detroit, Mich., and each was fined $6,000; and on December 11 last the American Sugar Refining Company and the Brooklyn Cooperage Company pleaded guilty to the same indictment. The former was fined $10,000 on each of eight counts, aggregating $80,000, and the latter was fined $10,000 on each of seven counts, aggregating $70,000.

In the district court for the district of New Mexico an indictment was found on June 1, 1906, against the Atchison, Topeka & Santa Fe Railway Company for giving rebates on shipments of coal and one against the Colorado Fuel and Iron Company for receiving such reb tes. The case was submitted upon an agreed statement of facts, verdict of guilty was rendered, and a fine of $15,000 was imposed on each defendant.

Three indictments against the Standard Oil Company of New York and one each against the Vacuum Oil Company, the Pennsylvania Railroad Company, and the New York Central & Hudson River Railroad Company were obtained in the district court for the western district of New York in August last for concessions in rates on oil shipments from points in New York to points in Vermont. These cases are pending upon demurrers to the indictments.

Ten indictments were returned, on August 27 last, against the Standard Oil Company in the district court for the northern district of Illinois for receiving concessions in rates on oil shipments from various carriers entering Chicago. These cases are still pending on demurrers to the indictments.

Five informations obtained last fall against the Baltimore & Ohio Railroad Company for refusal to furnish sidings or cars to various companies are still pending in the district court for the northern district of West Virginia.

The Standard Oil Company of Indiana was indicted, on October 16, 1906, in the district court for the western district of Tennessee for receiving rebates on shipments of oil.

On November 8, 1906, fourteen indictments were returned in the district court for the district of Minnesota against various defendants for giving and receiving rebates. Six of them were against the Great Northern Railway Company and five officials, one against the Chicago, St. Paul, Minneapolis & Omaha Railway Company and three officials, one against the Wisconsin Central Railway Company and two officials, and one against the Minneapolis & St. Louis Railway Company and two officials. The offense charged against them is the giving of rebates by absorption of grain-elevator charges. An indictment was also obtained against each of the following parties for receiving such rebates: W. P. Devereaux Company, McCaull-Dinsmore Company, D. F. De Wolf, Ames-Brooks Company, and Duluth-Superior Milling Company.

In the case of United States against Henry S. Hartley, in the district court for the western district of Missouri, defendant recently plead guilty of receiving rebates on cotton-seed meal from a point in Indian Territory to Kansas City and was fined $1,000.

On December 7 last the Union Pacific Railroad Company, the Oregon Short Line Railroad Company, and certain of their officials were indicted in the district court of Utah for giving rebates on shipments of coal to certain coal dealers at Salt Lake City, Utah, and the Union Pacific Coal Company and the Utah Fuel Company for receiving such rebates.

COURT DECISIONS.

Several decisions have been rendered by the United States courts during the year relating to the application of the act to regulate commerce, and perhaps the most important of these is what is known as the Chesapeake & Ohio coal case.

The Chesapeake & Ohio Coal case.—There were cross appeals in this case from the circuit court for the western district of Virginia to review a decree enjoining the Chesapeake & Ohio Railway from violating prohibitions of the act to regulate commerce against undue preference and discriminations. The Supreme Court modified the order of the circuit court by enjoining the taking of less than the published tariff of freight rates by means of dealing in the sale and purchase of coal, and as thus modified affirmed the circuit court's decision (200 U. S., 361). The undue discrimination restrained was the carrying by the Chesapeake & Ohio at less than its published tariff rates, under contract, of coal for the use of the New York, New Haven & Hartford Railroad Company. The Supreme Court held that an interstate carrier, not empowered by its charter or by any legislation existing at the time of the adoption of the act to regulate commerce to mine and market coal, violates the mandate of that act respecting the maintenance of published rates, and its prohibitions against undue preference and discriminations, by stipulating to sell and transport

coal at an agreed price insufficient to yield its published freight rates after deducting the cost of purchase and delivery. Continuing upon this point the court said:

The all-embracing prohibition against directly or indirectly charging less than the published rates shows that the purpose of the statute was to make the prohibition applicable to every method of dealing by a carrier by which the forbidden result could be brought about. If the public purpose which the statute was intended to accomplish be borne in mind, its meaning becomes, if possible, clearer. What was that purpose? It was to compel the carrier as a public agent to give equal treatment to all. Now, if by the mere fact of purchasing and selling merchandise to be transported a carrier is endowed with the power of disregarding the published rate, it becomes apparent that the carrier possesses the right to treat the owners of like commodities by entirely different rules. That is to say, the existence of such a power in its essence would enable a carrier, if he chose to do so, to select the favored persons from whom he would buy and the favored persons to whom he would sell, thus giving such persons an advantage over every other, and leading to a monopolization in the hands of such persons of all the products as to which the carrier chose to deal. Indeed, the inevitable result of the possession of such a right by a carrier would be to enable it, if it chose to exercise the power, to concentrate in its own hands the products which were held for shipment along its line, and to make it, therefore, the sole purchaser thereof and the sole seller at the place where the products were to be marketed; in other words, to create an absolute monopoly.

To illustrate: If a carrier may by becoming a dealer buy property for transportation to a market and eliminate the cost of transportation to such market, a faculty possessed by no other owner of the commodity, it must result that the carrier would be in a position where no other person could ship the commodity on equal terms with the carrier in its capacity of dealer. No other person owning the commodity being thus able to ship on equal terms, it would result that the owners of such commodity would not be able to ship, but would be compelled to sell to the carrier. And as by the departure from the tariff rates the person to whom the carrier might elect to sell would be able to buy at a price less than any other person could sell for, it would follow that such person so elected by the carrier would have a monopoly in the market to which the goods were transported. And that the result arising from an admission of the asserted power of the carrier as a dealer to disregard the published rates conduces immediately, and not merely remotely, to the production of the injurious results stated, is not only demonstrated by the very nature of things, but is established to be the case by the facts indisputably shown on this record.

The court also held in this case that the decisions of this Commission construing the act as to favoritism and discrimination under the circumstances named, which have been impliedly sanctioned by the reenactment of the statute without alteration in the particulars construed, must be treated as read into the statute, and said:

Now, without at all intimating that as an original question we would concur in the view expressed in the case last cited [*Re Alleged Unlawful Rates*] that to have applied the act to regulate commerce, under proper rules and regulations for the segregation of this business of producing, selling, and transporting, as presented in the Haddock and Coxe cases, would have been confiscatory, and without reviewing the rulings made by the Interstate Commerce Commission in those cases and adhered to by that body during the many years which have followed those decisions, we concede that the interpretation given by the Commission in those cases to the act to regulate commerce is now binding, and as restricted to the precise conditions which were passed

on in the cases referred to must be applied to all strictly identical cases in the future, at least until Congress has legislated on the subject.

We make this concession because we think we are constrained to do so in consequence of the familiar rule that a construction made by the body charged with the enforcement of a statute, which construction has long obtained in practical execution, and has been impliedly sanctioned by the reenactment of the statute without alteration in the particulars construed, when not plainly erroneous, must be treated as read into the statute. Especially do we think this rule applicable to the case in hand, because of the nature and extent of the authority conferred on the Commission from the beginning concerning the prohibitions of the act as to rebates, favoritism and discrimination of all kinds, and particularly in view of the repeated declarations of the court that an exertion of power by the Commission concerning such matters was entitled to great weight and was not lightly to be interfered with.

It further declared that a carrier which has been adjudged to have violated the act to regulate commerce in a specific particular may be restrained from further like violations of the act, but should not be enjoined in general terms from violating the act in the future in any particular.

The California Orange Routing cases.—The defendant carriers in these cases appealed to the Supreme Court of the United States, which, on February 26 last, reversed the opinion of the circuit court for the southern district of California. (200 U. S., 536.) The Southern Pacific and Atchison, Topeka & Santa Fe systems, as initial carriers from southern California in joint continuous routes to eastern markets used for the transportation of oranges and other citrus fruits, adopted a regulation whereby they reserved to themselves exclusive control of the routing and denied the shippers any choice or control in a selection between the different established routes. This practice was held by the Commission to be an undue and unreasonable prejudice and disadvantage to the orange shippers of California. The circuit court found that these carriers were engaged in pooling, and said that its conclusions on the pooling issue rendered it unnecessary to pass upon any of the other questions alleged in the case.

The Supreme Court of the United States declared that there is nothing in the provisions of the act which forbids the adoption of such a regulation, where it has served to break up rebating by the connecting lines, and, in its practical operation, the actual routing is generally conceded to the shipper, and his requests to divert shipments en route are usually allowed; nor is the pooling of freights of competing railroads accomplished by the adoption of such a rule.

Among other things decided by the Supreme Court in these cases, it held that courts may enforce orders of this Commission, although the reason they give therefor may not have been the one relied upon by the Commission itself.

The Hay case.—The Commission found in the case of the National Hay Association *v.* Lake Shore & Michigan Southern Railway Com-

pany et al. that the placing of hay and straw in the fifth class unjustly discriminated against those commodities in favor of other articles, and ordered the carriers to cease from failing to apply sixth-class rates to shipments of hay and straw. The circuit court decided that the order of the Commission was invalid, as an attempt to fix rates is beyond the power of the Commission. The case was appealed to the United States Supreme Court, which, on May 21 last, affirmed the decree of the circuit court by a divided court. One of the justices took no part in the consideration of the case and no opinion was rendered. (202 U. S., 613.)

The Contract-Rate case.—On April 18 last, the Supreme Court, in the case of Texas & Pacific Railway Company *v.* Mugg & Dryden (202 U. S., 242), again decided that a common carrier may exact the rate for an interstate shipment by its printed and published schedules on file with this Commission and posted in the stations of such carrier, as required by the act, although a lower rate was quoted by its agent. The court of civil appeals for the second supreme judicial district of Texas held that the railroad company was liable for damages occasioned by the misrepresentation of the rate. The Supreme Court reversed this decision and said that the case is within the principle of and is ruled by the decision in the Hefley case. (158 U. S., 98.)

The Yellow Pine case.—The Central Yellow Pine Association, composed of manufacturers and shippers of yellow-pine lumber from points in the lumber-producing territory east of the Mississippi River in Louisiana, Mississippi, and part of Alabama, to Ohio River points, made complaint to the Commission of the advance made on April 15, 1905, by the Illinois Central Railroad Company and other carriers of 2 cents per 100 pounds in the rate on yellow-pine lumber between said points. The Commission sustained the complaint and held that the advanced rate was unreasonable in itself and resulted in undue prejudice to the members of the complaining association. The circuit court of the United States for the eastern district of Louisiana in November last sustained the order of the Commission in the case, in an opinion not yet reported, upon practically the same reasons set forth in the decision of the Tift case, which was summarized in our last annual report.

The Aberdeen Group case.—The case brought by the Aberdeen Group Commercial Association against the Mobile & Ohio Railroad Company, in which the Commission granted an order of relief, which was not complied with by the carrier, has recently been decided by the circuit court for the northern district of Mississippi favorable to the enforcement of the order. In this case the Commission concluded upon the facts that the rates charged on wheat, flour, corn, corn meal, and oats from St. Louis, Mo., and East St. Louis and Cairo, Ill., to Tupelo,

Aberdeen, West Point, Columbus, and Starkville, Miss., were unreasonable and ordered the defendant to cease and desist from charging the same. It is understood that no appeal will be taken in this case.

Reparation cases.—The Hope Cotton Oil Company brought suit in the circuit court last spring at Dallas, Tex., upon the order of the Commission granting reparation from the Texas & Pacific Railway Company. The Commission held in this case that where the joint rate is higher than the sum of the locals the railway was entitled to insist upon the application of the through joint rate to the through shipment, but that it could not lawfully refuse to receive and carry complainant's freight to an intermediate point upon its local rate to that point. The court in June of this year rendered judgment for the defendant and decided that the Hope Cotton Oil Company had no right to ship to Texarkana and then reship to Hope, as under the Elkins law the railway company is required to demand and collect the through rate. This decision seems to overlook the rights of a shipper to make a local shipment under the carriers' local rate. No appeal was taken from this decision and no written opinion was made. The Hope Cotton Oil Company has instituted another proceeding before the Commission, under the amended law, to establish a reasonable through joint rate for such shipments.

On June 25 last the circuit court for the eastern district of Illinois rendered judgment enforcing the order of the Commission allowing reparation in the case of St. Louis Hay and Grain Company *v.* Southern Railway Company. It appeared in an investigation held by the Commission that the Southern Railway Company in transporting from East St. Louis to southeastern points hay in carloads, originating north and east of East St. Louis, exacted 4 cents per 100 pounds in addition to the rate to such destinations from Ohio River points when the hay was unloaded at warehouses in East St. Louis and afterwards reconsigned to southeastern points, but only 2 cents per 100 pounds in addition to such rates when not so unloaded. The Commission found such rate on unloaded and reconsigned shipments from East St. Louis unjust and unreasonable, and awarded reparation to the extent of 1 cent per 100 pounds upon shipments made by the St. Louis Hay and Grain Company. The court held that the findings of fact of the Commission and its award of reparation were justified by the evidence, and rendered judgment for $1,659.41, with costs and attorneys' fees. The case has not yet been reported, and is pending before the circuit court of appeals.

Immunity to witnesses.—The United States Supreme Court, on March 12 last, declared, in the Henkel and Nelson cases (201 U. S., 43, 90, 147), that the immunity provided by the fifth amendment to the federal Constitution against self-incrimination is personal to the witness himself, and that he can not set up the privilege of another person or of

a corporation as an excuse for a refusal to answer. In other words, the privilege is that of the witness himself, and not that of a party on trial. While the individual may stand upon his constitutional rights as a citizen, there is a clear distinction between an individual and a corporation. The latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The court said:

> The corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises and holds them subject to the laws of the State and the limitation of its charter. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws o its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises have been employed, and whether they have been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.

It appeared in the prosecutions of the "Beef Trust" cases that certain officials of corporations made statements to the Commissioner of Corporations incriminating themselves. They were not under oath, neither had they been subpœnaed. When they and their corporations were indicted, immunity pleas in bar to the action were filed. The government resisted these pleas and argued that testimonial compulsion means compulsion furnished by subpœna and oath; but the court sustained the pleas as to the defendants who are natural persons and denied them as to the corporations. The court held that as to such natural persons the testimony was given under compulsion, and therefore they were protected by the immunity provisions of the statutes. (142 Fed. Rep., 808.) By this decision natural persons giving such information without subpœna or oath were held immune from prosecution. This defect in the law was subsequently cured by the passage by the Congress, on June 30 last, of the Knox Act, which provides that immunity shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Elkins law.—In the Milwaukee Refrigerator Transit Company Case (142 Fed. Rep., 247; 145 Fed. Rep., 1007), it appeared that the refrigerator company contracted with a brewing company to make all shipments for the brewing company, and then the refrigerator company contracted for the shipments with such interstate carriers as would pay it from one-tenth to one-eighth of the published rate for the

transportation, ostensibly as a commission for obtaining the business. The circuit court for the eastern district of Wisconsin decided, on May 31 last, that though the particular practice above disclosed is not described in the Elkins law it comes within the inhibition of "any device whatever," which is a ban upon invention in this field, and therefore is a rebate condemned by law; that as the brewing company conveyed to the refrigerator company the dominion over the property for transportation purposes, the refrigerator company in all dealings respecting transportation should be deemed the owner and shipper and therefore restrainable if it indulges in the practice of receiving rebates; and that the Elkins law was designed to restrain "all parties interested in the traffic" from receiving rebates, and if the refrigerator company is not restrainable as the shipper it is at least restrainable as a party interested in the traffic.

On May 25, 1906, the United States district court for the western district of Missouri in charging the jury in the Thomas and Taggart case, unreported, said that the employment by shippers of an agent to look after their freight and collect and remit overcharges from railroad companies is not of itself illegal, but when such an employment is used as a cloak to procure rebates it is illegal. The real intent of the contract and not the form should be considered. If the railroad companies paid the agents commissions for securing this traffic, and the agent divided the commissions with the shippers of the goods, that would be a rebate. In this case and several others the court held that conspiracy to commit a violation of the Elkins law could be prosecuted under section 5440 of the Revised Statutes of the United States.

While this Commission was in session at Chicago in 1905, endeavoring to ascertain how the managers or owners of cars not owned by carriers, but employed by them in the interstate transportation of freight, conducted their business, F. J. Reichmann, vice-president of the Street's Western Stable Car Line, while testifying refused to answer certain questions asked him, alleging that the Commission was without authority to exact from him the information called for. The Commission thereupon petitioned the circuit court for the northern district of Illinois for an order requiring the witness to answer. That court, on February 27 of this year, granted the order, and decided that a private car company which delivers its cars to railroad companies to be furnished indiscriminately for the use of shippers and received pay for such use from the railroad companies on a mileage basis, is within the provisions of the Elkins law. The giving by such a car company of any rebate to a shipper using its cars is a violation of such statute. Such a car company is therefore subject to the jurisdiction of this Commission when inquiring into the operations of any agency of transportation which may so conduct its business as to destroy uniformity of rates. (145 Fed. Rep., 235.)

The question of conspiracy to give and receive rebates again arose under an indictment for that offense in the circuit court for the southern district of New York. (146 Fed. Rep., 298.) In a decision rendered by this court, on July 6 last, it decided that under the Elkins law abolishing imprisonment as a punishment for offenses committed against the acts regulating interstate commerce, an indictment alleging that the agents of a shipper and the agents of a railroad company engaged in interstate commerce stipulated to give and receive rebates on the transportation of sugar from New York to Detroit, and thereafter gave and received such rebates in pursuance of such fraudulent conspiracy, merely alleged a violation of the interstate commerce act as amended by the Elkins law, and was therefore not sustainable as alleging a conspiracy to commit an offense against the United States. "In my opinion, it is not in the power of the government," said the court, "by calling the same acts a conspiracy, to indict these defendants for a different crime, and to thereby subject them to the liability of imprisonment for acts for which such punishment was expressly abolished by the Elkins Act."

In the Thomas and Taggart and other indictments the district court for the western district of Missouri, on April 19 last, took a directly contrary view (145 Fed. Rep., 74), holding that such an offense was indictable under section 5440. That court declared that the fact that the overt act charged to have been committed may constitute a substantive offense on the part of one or more of the accused under the statute which they conspired to violate does not relieve them from liability to prosecution for the conspiracy.

On December 15, 1905, indictments were obtained in the United States district court for the western district of Missouri against railroad companies, alleging that defendants hauled meat, lard, and other packing-house products intended for export from Kansas City to Hoboken and New York and made concessions in the rates for such transportation of 12 cents per 100 pounds below the published rates. The indictment was demurred to on the ground that the statute does not apply to export traffic. But the court, in an unreported opinion, decided that where carriers charge less than their published rates for the transportation of export traffic from the point of origin in the United States to the port of export they violate the criminal provisions of the act to regulate commerce as amended.

In a case arising in the United States district court for the eastern district of Pennsylvania it appeared that through shipments of iron pipe were made from points in New Jersey and Pennsylvania to Winnipeg, Canada, part over the Baltimore & Ohio Railroad and part over the Philadelphia & Reading to the Great Lakes, thence by the Mutual Transit Company, a water carrier, to Duluth, and thence by the Great

Northern Railway and its connections. There was no through joint rate filed or published, but there was a joint rate of 24½ cents per 100 pounds between the initial points and Duluth, published and filed by participating carriers, and one of 25 cents per 100 pounds between Duluth and Winnipeg filed by the Great Northern Railway Company. The water carrier filed no tariff nor concurrence in the rate published, but accepted the shipment on the through rating of its agent, settled with its connections on the 49½-cent basis, and retained its proportion of this charge, out of which it returned to certain shippers 4½ cents per 100 pounds.

The shippers were indicted for receiving rebates. At the trials the court charged the juries that the lawful rate for the through carriage was the sum of such two rates, or 49½ cents per 100 pounds, and that under the interstate-commerce law no line over which the shipment passed could lawfully charge a greater or less sum than was specified in the filed and published schedule of rates to which it was a party. (145 Fed. Rep., 405.) At one of the trials, report of which has not yet been made, the court charged that an express agreement for a joint rate by a connecting water carrier with rail carriers by the filing of concurrence on the part of the water carrier is not required where the tariff is filed and published, as in this case, but the successive receipt and forwarding in the ordinary course of business by such carriers under through bills, or any agreement for a continuous interstate carriage, is such evidence of assent to common arrangement and concurrence in the joint rate as to make the water carrier a party to the contract within the meaning of the act. The fact that such carrier participated in the carriage and rate, together with any other evidence of assent, can be proved as evidence of its assent in the tariff filed and published.

Cost of transporting a single article.—On December 3, of this year, the United States Supreme Court rendered an opinion in the case of Atlantic Coast Line Railroad Company against the State of Florida, in which it appeared that the railroad commission of Florida had ordered that the rate to be charged by railroads for the transportation of phosphate between points in the State should not exceed 1 cent per ton per mile. Suit was brought to enforce compliance with the order. The railroad company claimed this rate would be confiscatory; but the State court decreed enforcement of the order, and its judgment is affirmed by the Supreme Court of the United States. The order of the commission only fixed the rate on a single article—phosphate. There was no evidence of the amount of phosphates carried locally; neither was it shown how much a change in the rate of carrying them would affect the income, nor how much the rate fixed by the railroad for carrying phosphate had been changed by the order of the commission. There was testimony tending to show the gross income from all local freights and the value of the railroad property, and also certain

difficulties in the way of transporting phosphates owing to the lack of facilities at the terminals. But there was nothing from which the court could determine the cost of such transportation. The court was aware of the difficulty which attends proof of the cost of transporting a single article, and declared that in order to determine the reasonableness of a rate prescribed the court may sometimes accept as a basis the average rate of all transportation per ton per mile. The court would not attempt to indicate to what extent or in what cases the inquiry must be special and limited.

Inequality of rates between different parts of the same State.—The Seaboard Air Line Railway also took writs of error to the United States Supreme Court in cases wherein the Florida supreme court decreed compliance with orders of the Florida railroad commission. The State court decided that the orders should be complied with, and the United States Supreme Court, on December 3 last, sustained that decision. In one case the State commission ordered the Seaboard to apply a certain schedule of rates to shipments from or destined to points on the Florida West Shore Railway, charged to be under the control of the Seaboard, and from points on the Florida West Shore Railway to points on the same railway. In the second case it fixed a rate on phosphate, which was noticed by the opinion in the last preceding case.

In declining to reverse the State court in the first case the United States Supreme Court found that the order touched only the local freight rates to and from the Florida West Shore Railway and over the Seaboard Air Line Railway, and decided that even if the total receipts by the latter company from local freight rates were insufficient to meet what could properly be cast as a burden upon that business, such insufficiency would not justify it in an inequality of rates between different parts of the State, in one part too high and in the other too low. The court said that the State might properly insist that there should be equality in the rates, the conditions being the same, and if nothing more was accomplished by the order of the commission than to establish such equality it could not hold that the judgment of the Supreme Court was erroneous.

With reference to the second of these cases, it appeared that 16.43 per cent of all the local freight business of the company in Florida comes from the carrying of phosphates, and reference was made to several cases in which the courts have noticed the fact that the cost of moving local freight is greater than that of moving through freight, and the reasons for the difference. The railway counsel claimed that the order of the commission made the same rate per mile for any distance, whether for 1 or 100 miles, but the United States Supreme Court said this was misinterpretation of the order of the commission, since it did not fix the rate at 1 cent per ton per

mile, but merely made that rate the maximum, which could be reduced by the railway company, and if distance demanded a reduction the the company could and doubtless would make it. In addition, said the court, it should be borne in mind that it is to be presumed that the railroad commission acted with full knowledge of the situation; that phosphates were in Florida possibly carried a long distance, the place of mining being far from the place of actual use or preparation for use. The court further found, from the report of the railroad company, that the company's average freight receipt per ton per mile in the State of Florida was 8.15 mills; so that the rate authorized for phosphates was nearly 2 mills per ton larger than such average.

Stoppage of interstate passenger trains at county seats.—The Mississippi railroad commission issued an order requiring the Illinois Central Railroad Company to stop certain interstate passenger trains at the town of Magnolia, Miss., a county seat of about 1,200 inhabitants. The Illinois Central refused to comply and brought suit in the United States circuit court to enjoin the enforcement of the order. The circuit court held that the order of the commission was not unreasonable; but, on appeal, the circuit court of appeals for the fifth circuit reversed the judgment of the circuit court. The United States Supreme Court, on December 3 last, affirmed the judgment of the circuit court of appeals. In its decision the Supreme Court reviewed its holdings in prior decisions upon the same question. Upon the principles decided in those cases, applied to the testimony in this case, the court held that, as Magnolia already possessed proper and adequate train accommodations, the order of the State commission was an improper and illegal interference with the rights of the railroad company, and in violation of the commerce clause of the Constitution. The court declared that the transportation of passengers on interstate trains as rapidly as can with safety be done is the inexorable demand of the public who use such trains. Competition between great trunk lines is fierce and at times bitter. Each line must do its best even to obtain its fair share of the transportation between States, both of passengers and freight. A wholly unnecessary, even though a small, obstacle ought not, in fairness, to be placed in the way of an interstate road, which may thus be unable to meet the competition of its rivals. The court held that it did not intend to impair the strength of its previous decisions on the subject, nor to assume that the interstate transportation should be regarded as overshadowing the rights of the residents of the States through which the railroad passes to adequate railroad facilities. Both claims should be considered, and after the wants of the residents within a State or locality through which the road passes have been adequately supplied, regard being had to all the facts bearing upon the subject, they ought not to be permitted to

demand more, at the cost of the ability of the road to successfully compete with its rivals in the transportation of interstate passengers and freight.

Construction of the Wilson Act.—An important case involving construction of the Wilson Act was decided by the United States Supreme Court, on December 3 last, affecting the general principle as to when an interstate shipment ceases to be under the protection of the commerce clause of the Constitution. Certain persons in Charleston, S. C., ordered casks of whisky from a liquor dealer in Augusta, Ga. The price of the whisky accompanied the orders, which were given upon the understanding that if for any cause delivery was not made to the consignees the purchase price would be refunded. The casks were delivered to the Southern Railway Company at Augusta, Ga., and upon reaching Charleston were unloaded into its warehouse, ready for delivery. Shortly afterwards they were seized by constables, asserting their right to do so under the authority of the dispensary law of South Carolina. Thereupon the liquor dealer sued the railroad company for failure to make the deliveries as contracted in the bills of lading. Before the State courts the railroad company obtained verdict and judgment, but on appeal to the United States Supreme Court the judgment of the supreme court of Georgia was reversed.

It seems that the supreme court of Georgia held that as the whisky had "arrived" in the State of South Carolina, it was, under the Wilson Act, subject to the operation of the laws of that State; that the shipment had been completed and the seizure was rightful, and consequently the carrier was relieved from liability. But the Supreme Court of the United States decided that goods moving in interstate commerce do not cease to be such commerce until after delivery to the consignees in the original package. The Wilson Act simply affects an incident of such commerce by allowing the State power to attach after delivery. The court was not concerned with whether, under the law of any particular State, the liability of any railroad company as carrier ceases and becomes that of a warehouseman on the goods reaching their ultimate destination before notice and before the expiration of a reasonable time for the consignee to receive the goods from the carrier. Neither did it decide in this case whether if goods of the character referred to in the Wilson Act, moving in interstate commerce, arrive at the point of destination, and after notice and full opportunity to receive them are designedly left in the hands of the carrier for an unreasonable time, such conduct on the part of the consignee might not justify the holding that goods so dealt with have come under the operation of the Wilson Act, because constructively delivered. It is simply held in this case that delivery had not taken place when the seizures were made, and so the control of the State had not attached.

Provision of cars and switches.—The Supreme Court of the United States, on April 2 last, declared, in the case of Houston & Texas Central Railroad Company *v.* Mayes, that a Texas statute which penalized the failure of a railroad company to furnish cars to a shipper within a certain number of days after the latter's requisition in writing therefor in the sum of $25 per day for each car not so furnished and admitted no excuse, except such as arises from strikes or other public calamity, was unconstitutional as applied to interstate shipments (201 U. S., 321). The court further said that such a statute amounts to a burden upon interstate commerce; it makes no exceptions in case of a sudden congestion of traffic, an actual inability to furnish cars by reason of their temporary and unavoidable detention in other States or in other places within the same State; it makes no allowance for interference of traffic occasioned by wrecks or other accidents upon the same or other roads involving a detention of traffic, the breaking of bridges, accidental fires, washouts, or other unavoidable consequences of heavy weather; and while railroad companies may be bound to furnish sufficient cars for their usual and ordinary traffic, cases will inevitably arise where, by reason of an unexpected turn in the market, a great public gathering, or an unforeseen rush of travel, a pressure upon the road for transportation facilities may arise, which good management and a desire to fulfill all its legal requirements can not provide for, and against which the statute in question makes no allowance.

The court adds that—

> Although it may be admitted that the statute is not far from the line of proper police regulation, we think that sufficient allowance is not made for the practical difficulties in the administration of the law, and that, as applied to interstate commerce, it transcends the legitimate powers of the legislature.

The circuit court of appeals for the fourth circuit, on February 6 last, reversed the decision of the circuit court in the case of United States *ex rel.* Greenbrier Coal & Coke Company *v.* Norfolk & Western Railway Company (143 Fed. Rep., 266). The court held that an arrangement between an interstate railroad company and coal shippers in a certain field, fixing a basis which should be considered equitable for the distribution of cars between such shippers, does not operate to relieve the railroad company from the obligations imposed on it by section 3 of the act to regulate commerce, nor does it deprive one of such shippers of the right to maintain a proceeding in a federal court for a writ of mandamus to compel the company to furnish such shipper its equitable proportion of cars.

In the case of Olanta Coal Mining Company *v.* Beech Creek Railroad Company (144 Fed. Rep., 150) the United States circuit court for the western district of Pennsylvania, on February 12 last, decided that under the constitution and statutes of Pennsylvania, which make

all railroads public highways and all railroad companies common carriers, the owner of mining property adjoining the right of way of a railroad is entitled, as a matter of right, to connect switch tracks built on its own land with the track of such road, to facilitate the loading and shipping of coal. The court also said in this case that a railroad company can not refuse to accept and transport coal by a shipper on the ground that it is of inferior quality to other coal also produced on its line and that the marketing of such coal will injuriously affect the sale, and consequently the shipment, of the superior quality.

Another case, involving construction of side track, arose before the North Carolina Corporation Commission, which ordered a railroad company to install a private switch. The case was taken to the circuit court of the State, which affirmed the commission on a jury finding that the requirement was reasonable. On appeal, the supreme court of North Carolina affirmed the judgment of the circuit court, and said that the fact that the switch would increase the danger of operating the road is no cause of reversal of the lower court. Evidence that the railroad had previously maintained a switch at the same place without inconvenience or accident was admissible. (52 S. E., 941.)

Safety-appliance decisions.—The case of Denver & Rio Grande Railroad Company *v.* Arrighi again came up before the circuit court of appeals for the eighth circuit. The plaintiff appealed in the first instance, but in this instance the defendant carrier carried the case up. The errors assigned were considered without merit and the judgment of the trial court affirmed. (141 Fed. Rep., 67.) It was decided in this case that the mere fact that a brakeman was injured in coupling cars with a link-and-pin coupling, used by the railroad in violation of the safety-appliance act, creates no presumption that he was negligent.

On January 16 last the district court for the southern district of Illinois, in the case of United States *v.* Chicago, Peoria & St. Louis Railway Company et al., decided that in a joint action against two or more railroad companies to recover the penalty for violation of the safety-appliance act, there may be a recovery against all or any of the defendants as the proofs warrant. (143 Fed. Rep., 353.) The court also held that a railroad company which hauls over its line within a State a car of another company employed in moving interstate traffic consigned to a point in another State, which car is defectively equipped, is liable for the penalty imposed by the act.

It appeared in the case of United States *v.* Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, in the district court for the southern district of Ohio, that a car employed in moving interstate traffic and not equipped with an appliance required by the safety-appliance act, was received from another company by the defendant railroad company and hauled from one of its yards to another for the purpose of being put in a train and forwarded to its destination in

another State. (143 Fed. Rep., 360.) The court held that in such movement the car was being used in interstate commerce within the meaning of the act, and that defendant was liable for the penalty imposed thereby for its violation.

A switchman in the yards of a defendant railroad company was directed in the nighttime to uncouple a caboose from the car ahead in the train. Both cars were equipped with safety couplers, as required by law, and the lever of the coupler on the side on which the switchman then stood was disconnected, and, instead of crossing to the other side where the lever could have been used, or going upon the platform where he could have reached and drawn the pin in safety, he went between the cars, which were then moving slowly, and, while there, stumbled and was run over and killed. Upon the foregoing state of facts the circuit court of appeals held, on March 16 last, in the case of Suttle *v.* Choctaw, Oklahoma & Gulf Railroad Company, that having selected the more dangerous way of performing his duty when a safe way was within his choice and known to him, the employee assumed the risk, and no recovery could be had for his death. (144 Fed. Rep., 668.)

It was decided on April 2, last, by the district court for the district of Oregon, in the case of United States *v.* Northern Pacific Terminal Company (144 Fed. Rep., 861), that a terminal company which received cars for coal coming from another State and delivered them within its yards to the engines of a railroad company was engaged in moving interstate traffic within the safety-appliance act.

The district court for the eastern district of Washington, on June 11 last, in the case of United States *v.* Great Northern Railway Company, declared that the safety-appliance act applies to all cars regularly used on any railroad engaged in interstate commerce, not only while actually in use in such conveyance, but at all times when in use on such road. (145 Fed. Rep., 438.)

The substance of a far-reaching charge of the district court for the northern district of Iowa, recently made in the case of United States *v.* Chicago, Milwaukee & St. Paul Railway Company, and not yet reported, is as follows: All commerce in the United States is under the control of either a State or of the nation and it can not be justly claimed that any of such commerce falls within the power of neither; and when merchandise is carried from one State into another, no system or scheme can be devised to make it intrastate traffic. The undoubted purpose of Congress in enacting the safety appliance laws was humanitarian, and such statutes should not be frittered away by judicial construction. Two of the purposes for which the safety-appliance act of 1893 was amended by the act of 1903, were: (1) To include certain vehicles omitted in the former statute; and (2) to include cars "used" by an interstate carrier on any part of its line.

The original statute was broadened and not restricted by substitution of the word "used" for the words "haul and use."

When an interstate carrier hauls cars considerably damaged by derailment, so that the coupling devices are gone, 379 miles past three or more places where repairing is done, in order to make the repairs at larger and better equipped shops, it violates the safety-appliance law. Where a coupler couples by impact, but can not be uncoupled unless the brakeman or switchman goes between, or over, or under the cars, or around the end of the train, in order to reach the appliance on the connecting car, such a coupling is defective and prohibited by law. A carrier operating its own construction train which hauls its own rails and products from a point in one State to a point in another State, is engaged in interstate commerce. If an interstate carrier receives and hauls defectively equipped foreign cars, which it can not be required to do, it violates the federal safety-appliance acts.

In the case of United States against the Great Northern Railway Company, decided recently in the United States district court for the eastern district of Washington, eastern division, it appeared from the evidence that a car used in interstate commerce had the equipment required by the safety-appliance acts, but the chain which connected the coupling pin with the crossbar was not attached and only needed to be connected to make the appliance available. Upon this state of facts the court held that such car in that condition was out of repair and was being used contrary to law, as it was not legally equipped until the chain was connected.

Arbitration act.—In the United States district court for the western district of Kentucky, on October 24 last, in the case of United States *v.* Scott, not yet reported, the arbitration act of June 1, 1898, was construed. It appears that J. N. Scott, chief train dispatcher of the Louisville & Nashville Railroad Company, was indicted at the instance of the Order of Railroad Telegraphers on the charge of threatening employees with discharge if they joined that organization. The law alleged to be violated was section 10 of the arbitration act, which denounces as a misdemeanor the threatening of a railway employee by an agent of an interstate carrier with loss of employment because of his membership in a labor organization. Defendant demurred to the indictment on the ground of the unconstitutionality of section 10, and the court sustained the demurrer. The court held that section 10 of the act of June 1, 1898, is not in the constitutional sense a regulation of commerce or of commercial intercourse among the States and can not justly nor fairly be so construed or treated, inasmuch as its essential object manifestly is only to regulate certain phases of the right of an employer to choose his own servants, whether the duties of these servants, when employed, shall relate to interstate commerce or not, and that section 10 is so broad as to be condemned under the rule laid

down in the Trade-Mark cases, in that it undertakes to regulate commerce in the State, which is beyond the power of the Congress.

Miscellaneous decisions.—The question as to when a shipment ceases to be interstate was passed upon by the Supreme Court in the case of McNeill *v.* Southern Railway Company (202 U. S., 543), decided May 28, 1906. In this case it was decided that an order of the North Carolina corporation commission compelling a railway company engaged in interstate commerce to deliver cars containing interstate shipments beyond its right of way to a private siding is an unlawful interference with interstate commerce, whether viewed as an assertion by the commission of its general powers over carriers or of its power to make the order in a particular case in favor of a given person or corporation.

Regulation of interstate commerce by State grain-inspection laws arose in the circuit court for the western district of Wisconsin, in the case of Globe Elevator Company *v.* Andrew et al., where it was held that a matter like the fixing of grades by which grain may be sold in interstate commerce is one which admits of only one uniform system of regulation, and is therefore within the exclusive power of Congress (144 Fed. Rep., 871).

It was decided by the circuit court of appeals for the second circuit, on April 2 last, in the case of Lehigh Valley Railroad Company *v.* Delachesa (145 Fed. Rep., 617), that where one railroad company controls others through the ownership of their stock and operates the lines of all as a single system, though the general management of each road is retained by the corporation owning it, the relation between the dominant and subordinate companies with respect to traffic originating on the lines of the former is that of principal and agent.

Nearly related to that question is the authority of a ticket agent of an initial line in selling a through ticket calling for transportation over connecting roads to bind the connecting carriers. This question recently arose before the supreme court of Missouri in the case of Cherry *v.* Chicago & Alton Railroad Company (90 S. W., 381), where the court decided that the existence of a custom of connecting railroads to recognize the contracts made by the agents of either in selling tickets over the connecting line is sufficient to establish, in favor of a purchaser of a particular ticket, the authority of the agent to make the contract expressed on its face.

A statute of the State of Indiana requires express companies to deliver express matter to persons to whom it is directed within the limits of cities having a specified population. This law was attacked by an express company as invalid when applied to interstate express matter; but the supreme court of Indiana held, in the case entitled United States Express Company *v.* State, that, as it is the general duty of an express carrier to deliver parcels received by it to the consignee

at his residence or place of business, the statute referred to does not impose an undue burden on interstate commerce. (73 N. E., 101.)

The right of attachment of foreign cars by writs issued out of the State courts recently arose in the case of Davis *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Company (146 Fed. Rep., 403), before the circuit court for the northern district of Iowa, where the court decided that cars owned by one carrier and delivered to others, loaded with interstate freight to pass over their lines, and then to be returned to the owner in the State where received, pursuant to agreement between carriers, are, until their return to the owner, instruments of interstate commerce, and are not subject to attachment under the laws of a State into which they may be carried by such other carriers. The court further held that sums due to a railroad company from other companies as its share of freight collected by them as the final carriers on continuous interstate shipments are not subject to attachment by garnishment of the debtors under the foreign attachment laws of another State in which the defendant can not be personally sued.

UNIFORM ACCOUNTING.

Under the twentieth section of the act to regulate commerce, as amended June 29, 1906, the Interstate Commerce Commission is granted authority to prescribe a uniform system of accounts for railways and for other common carriers within the scope of the law, and is provided with adequate means for enforcing the acceptance of the accounting system so prescribed. The purpose of what follows is to inform the Congress of the progress that has been made under this section.

The first question to claim attention pertained to a more perfect understanding of intercorporate relations and a more complete statement of railway capital. The difficulties incident to the situation arose on account of the many and various methods adopted by which properties once independent have been brought together and are kept together for the purpose of operation. Under the law prior to amendment it was not practicable to undertake a comprehensive analysis of the situation. At present, however, provision having been made for "special reports," and the right of inspecting "accounts, records, and memoranda" having been conferred, it is possible to obtain sufficient information relative to the conditions under which securities are held to arrive at a correct statement of the capitalization of railway property, and to show in detail the kinds of contracts and the character of the ownership upon which the great operating systems rest. To this end two "Special Report Circulars" have been issued calling for specific information relative to intercorporate relations, one of which approaches the subject from the point of view of the owning or controlling corporation, the other from the point of view of the corporation controlled.

The second step taken under the amended twentieth section pertained to the revision of the "Classification of Operating Expenses." The following statement, which explains what has been done somewhat in detail, is submitted primarily for the purpose of describing the method which it is designed to follow throughout in the development of a uniform system of railway accounts. Since the organization of the Commission in 1887 there has been the most hearty cooperation between the accounting officers and the statistical branch of the Commission's service in all matters respecting which the Commission had an undoubted right to exercise a final judgment; and now that the authority of the Commission has been extended to cover the entire field of railway accounting the railway accounting officers have expressed a willingness to place their expert knowledge at the disposal of the Commission to the full extent that the Commission may desire. As a means of giving formal expression to this purpose a committee of twenty-five was appointed by the Association of American Railway Accounting Officers with instructions to cooperate in the organization of a uniform system of accounting so far as they may be invited thereto by the Commission.

After consultation with a subcommittee of this general committee, the Commission, through its representative, issued a circular calling attention to the necessity of such an extension of the classification of operating expenses as would represent the best American practice in this branch of accounting, special attention being called to certain specific points respecting which detailed information was required. The replies to this circular indicate that the questions submitted had been studied with care by all the important lines of the country, and their answers portrayed, not only what current American practice in fact is, but what it should be in order to serve most perfectly the interests of all concerned. It was upon the basis of these replies, and after extended conference with the representatives of the railways, that a tentative revision of the classification of operating expenses has been worked out. This will be submitted to all persons interested for consideration and advice before the classification is finally adopted and promulgated by the Commission.

It is not necessary to proceed further in a detailed statement of the work already done under the twentieth section of the act to regulate commerce, as amended. In general it may be said that the same method of procedure will be followed in regard to all branches of accounting as was followed in the case of the revision of the classification of operating expenses. The result of this will be that the system of railway accounting finally adopted will not express the ideas of any particular set of accountants, but will be in fact the crystallization of the views of all who, from experience or study, have a right to an opinion on so intricate a problem.

The general scope of the work undertaken may be indicated by calling attention to the other questions in accounting, respecting which circulars asking for information have either been issued or are in preparation. The more important of these touch the following points:

1. The proper method of treating facilities used jointly by several operating lines.

2. The proper method of carrying in the accounts the operation of boats, docks, wharves, elevators, and the like owned by the carriers or whose operations are in any way connected with the operations of the carriers.

3. Such a definition of repairs, replacements, betterments, construction, and all other classes of expenditures which stand on the border line between the operating account and the capital account as to secure not only uniformity of practice but to enable an accurate measurement of this class of expenditures so far as they may be charged either directly or indirectly to the current earnings.

4. The proper accounting methods and rules to be followed in the settlement of claims and expense bills and of prorating such settlements between various lines in case the claim has to do with joint traffic. That this is a problem in accounting admits of no question, and that supervision of the entire subject of claims must be centered in the accounting divisions of the railways is equally certain, since in no other way can responsibility for the integrity of the reports rendered to the Commission be localized.

5. Such a definition of operating earnings as will secure uniformity of report from the carriers. This, it will be observed, required a definition, a classification, and a rule for treating all "repayments" of every class and description. This is perhaps the most difficult problem in the task undertaken, covering, as it does, questions as to the proper treatment of overcharges, claims, arbitraries, absorbed switching charges, expense bills which accrue on account of the application of the milling-in-transit principle, and the like.

6. Such an analysis of earnings and income as will indicate clearly the sources from which railways draw the funds placed at their disposal, and to enable the Commission to know the amount of earnings that accrue from the different classes of service rendered.

7. A revision of the classification of construction accounts.

8. A revision of the balance sheet and a classification and definition of the items that directly or indirectly affect the balance-sheet statement.

From the above it is evident that the uniform system of railway accounting which the Commission has undertaken to establish is not limited by bookkeeping considerations; on the contrary, it comprehends the use to be made of the compilations which such a system of accounts renders possible. The best fruit of correct accounting is

correct statistics, and without correct accounting according to uniform classification and definition it is not possible to arrive at satisfactory statistical results. This part of the task delegated by the twentieth section, as amended, has not as yet been taken up in any formal manner.

Besides railway accounting and reporting, the amended laws place express companies, sleeping-car companies, pipe lines, and electric lines under the jurisdiction of the Commission so far as they are interstate in character. This carries with it supervision over their accounting and the drafting of an appropriate form of report for each. Circular letters are in preparation for securing the necessary information relative to these instruments of transportation to enable the Commission to arrive at some practical conclusion respecting them. On one point there can be no question. Inasmuch as the enterprises above named are integral parts of the established system of transportation in the United States, the accounts to be prescribed for them, and the reports to be demanded from them, must conform in all essential features to the accounts and reports of steam railways, and all must be drawn in such a manner as to permit one to be checked against another in all cases where these various instruments of transportation have operating agreements or contracts relating to each other.

The importance of this branch of the Commission which has to do with statistics and accounts seems to warrant the above extended explanation of what is being done under the increased authority conferred by Congress.

STATISTICS OF RAILWAYS.

PRELIMINARY REPORT ON THE INCOME AND EXPENDITURES OF RAILWAYS FOR THE YEAR ENDING JUNE 30, 1906.

Since 1892 the Commission has annually published a brief advance report presenting a condensed income account statement for the operating railway companies in the United States. This preliminary report for the year ending June 30, 1906, includes returns received by November 5 for 852 railway companies, representing an operated mileage of 220,028.44 miles, or, approximately, 99 per cent of the mileage that will be covered by the complete statistical report for the year.

The report shows that the gross earnings of the roads described for the year 1906, were $2,319,760,030. This amount included as earnings from passenger service $618,555,934 or 26.66 per cent, from the freight service $1,640,942,862 or 70.74 per cent, and miscellaneous earnings $60,261,234 or 2.60 per cent. The gross earnings for 1906 averaged $10,543 per mile. This average is much higher than the like

average for any previous year since the organization of the Commission. The gross earnings of the railways, as shown in the final report for the year ending June 30, 1905, were $2,082,482,406, representing an average of $9,598 on 216,973.61 miles of line operated. For 1906, as shown by the preliminary report, the operating expenses of the railways were $1,532,163,153 or $6,963 per mile. The ratio of operating expenses to earnings was 66.05 per cent. The same average in the final report for the year 1905 was 66.78 per cent. This advance report shows that the net earnings of the same roads for the year ending June 30, 1906, were $787,596,877 or $3,580 per mile, and for the year 1905, $690,691,151.

The amount reported by the carriers as income from sources other than operation was $132,624,982, which amount includes a few duplications due to the method of accounting followed by certain of the reporting carriers. The total income of the operating roads covered by this report was $920,221,859. Against this amount was charged for interest, rents, betterments, taxes, and miscellaneous items the sum of $590,386,554, and as dividends the sum of $229,406,598, leaving a surplus for the year of $100,428,707. The taxes charged to income during the year were $68,903,288. The final report for the year ending June 30, 1905, showed a surplus of $89,043,490. The amount of dividends declared in 1906 was $34,248,605 more than that shown for the dividends of practically the same roads in 1905. This preliminary report, as already stated, relates to operating roads only, and does not include the statement of any dividends by leased lines from the income they received as rent. The dividends declared by subsidiary leased lines for the year 1905 were about $35,750,000.

FINAL REPORT FOR THE YEAR ENDING JUNE 30, 1905.

The eighteenth statistical report of the Commission, prepared by its statistician and covering the fiscal year ending June 30, 1905, resembles previous reports in the series, being a volume of more than 700 pages. Many summaries of railway statistics are given in the text of the report, though tables containing details of mileage, capitalization, earnings, expenses, etc by roads, constitute the bulk of the report.

MILEAGE OF RAILWAYS.

The report shows that on June 30, 1905, the total single-track railway mileage in the United States was 218,101.04 miles, or 4,196.70 miles more than at the end of the previous year. An increase in mileage exceeding 100 miles appears for Alabama, Arkansas, California, Georgia, Illinois, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Pennsylvania, Texas, West Virginia, Wisconsin, and Indian Territory.

The operated mileage for which substantially complete returns were rendered to the Commission was 216,973.61 miles, including 7,568.95 miles of line used under trackage rights. The aggregate length of railway mileage, including tracks of all kinds, was 306,796.74 miles. This mileage was thus classified: Single track, 216,973.61 miles, as just mentioned; second track, 17,056.30 miles; third track, 1,609.63 miles; fourth track, 1,215.53 miles, and yard track and sidings, 69,941.67 miles. These figures indicate that there was an increase of 9,723.40 miles in the aggregate length of all tracks, of which 3,449.21 miles, or 35.48 per cent, represented the extension of yard track and sidings.

The number of railway corporations for which mileage is included in the report was 2,167. Of this number 1,169 were classed as operating roads, including some miscellaneous industrial roads for which no comprehensive returns were received. During the year railway companies owning 3,802.02 miles of line were reorganized, merged, or consolidated. The corresponding figure for the year 1904 was 5,600.18 miles.

The report shows that for the year ending June 30, 1905, the mileage of roads operated by receivers was 795.82 miles, or a decrease of 527.46 miles as compared with 1904. The number of roads in the hands of receivers was 26.

EQUIPMENT.

On June 30, 1905, there were in the service of the carriers 48,357 locomotives, the increase being 1,614. These locomotives, excepting 947, were classified as: Passenger, 11,618; freight, 27,869, and switching, 7,923.

The total number of cars of all classes was 1,842,871, or 44,310 more than for the year 1904. This rolling stock was thus assigned: Passenger service, 40,713 cars; freight service, 1,731,409 cars, and company service, 70,749 cars. These figures do not include cars owned by private commercial firms or corporations.

The average number of locomotives per 1,000 miles of line was 223, and the average number of cars per 1,000 miles of line was 8,494. The number of passenger-miles per passenger locomotive was 2,048,558, showing an increase of 100,174 miles as compared with the previous year. The number of ton-miles per freight locomotive was 6,690,700, showing an increase of 233,854 miles.

The number of locomotives and cars in the service of the railways aggregated 1,891,228, of which 1,641,395 were fitted with train brakes, or an increase for the year of 86,623, and 1,871,590 were fitted with automatic couplers, or an increase of 48,560. Nearly all the locomotives and cars in the passenger service had train brakes and all but 82 locomotives in the same service were fitted with automatic couplers.

Only 1.63 per cent of cars in the passenger service were without automatic couplers. Substantially all the freight locomotives had train brakes and automatic couplers. Of 1,731,409 cars in the freight service on June 30, 1905, the number fitted with train brakes was 1,515,354 and with automatic couplers 1,715,854.

The statistical report continues a number of interesting summaries, showing the general type and tractive power of locomotives and the capacity of freight cars by classes.

EMPLOYEES.

The reported number of persons on the pay rolls of the railways in the United States on June 30, 1905, was 1,382,196, which is equivalent to an average of 637 employees per 100 miles of line. These figures show an increase in the number of employees as compared with the year 1904 of 86,075, or 26 per 100 miles of line. Of the employees 54,817 were enginemen, 57,892 firemen, 41,061 conductors, and 111,405 were other trainmen. There were 45,532 switch tenders, crossing tenders, and watchmen. Railway employees, disregarding a small number, were thus assigned among the four general divisions of railway employment: For general administration, 54,141; for maintenance of way and structures, 448,370; for maintenance of equipment, 281,000; and for conducting transportation, 595,456.

The report includes summaries showing the average daily compensation of 18 classes of employees for a series of years, and also the aggregate amount of compensation stated for the several classes. The total amount of wages and salaries reported as paid to employees during the year ending June 30, 1905, was $839,944,680.

CAPITALIZATION OF RAILWAY PROPERTY.

On June 30, 1905, the par value of the amount of railway capital outstanding was $13,805,258,121, which is equivalent to a capitalization of $65,926 per mile for the railways in the United States. Of this capital there existed as stock $6,554,557,051, of which $5,180,933,907 was common and $1,373,623,144 preferred; the remaining part, $7,250,701,070, represented funded debt, consisting of mortgage bonds, $6,024,449,023; miscellaneous obligations, $786,241,442; income bonds, $253,707,699, and equipment trust obligations, $186,302,906.

Of the total capital stock outstanding, $2,435,470,337, or 37.16 per cent, paid no dividends. The amount of dividends declared during the year was $237,964,482, being equivalent to 5.78 per cent on dividend-paying stock. For the year ending June 30, 1904, the amount of dividends declared was $221,941,049. Of the total amount of stock outstanding, $6,554,557,051, 9.72 per cent, paid from 1 to 4 per cent; 14.77 per cent, from 4 to 5 per cent; 10.74 per cent, from 5 to

6 per cent; 8.79 per cent, from 6 to 7 per cent, and 11.68 per cent, from 7 to 8 per cent. The total amount of funded debt (omitting equipment trust obligations) that paid no interest was $449,100,396, or 6.36 per cent. Of mortgage bonds, $326,863,401, or 5.43 per cent; of miscellaneous obligations, $54,214,525, or 6.89 per cent, and of income bonds, $68,022,470, or 26.81 per cent, paid no interest.

Of the total amount of railway stock outstanding, $2,070,052,108 were reported as owned by railway corporations, and of railway bonds, $568,100,021 were so reported.

PUBLIC SERVICE OF RAILWAYS.

The number of passengers reported as carried by the railways in the year ending June 30, 1905, was 738,834,667, this item being 23,414,985 more than for the year ending June 30, 1904. The passenger mileage, or the number of passengers carried 1 mile, was 23,800,149,436, the increase being 1,876,935,900 passenger-miles.

The number of tons of freight reported as carried (including freight received from connections) was 1,427,731,905, which exceeds the tonnage of the year 1904 by 117,832,740 tons. The ton mileage, or the number of tons carried 1 mile, was 186,463,109,510, the increase being 11,941,019,933 ton-miles. The number of tons carried 1 mile per mile of line was 861,396, indicating an increase in the density of freight traffic of 31,920 ton-miles per mile of line.

The average revenue per passenger per mile for the year ending June 30, 1905, was 1.962 cents. For the preceding year the average was 2.006 cents. The average revenue per ton per mile was 0.766 cent; the like average for the year 1904 was 0.780 cent. The earnings per train mile show an increase both for passenger and for freight trains. The figures show a slight increase in the average cost of running a train 1 mile. The ratio of operating expenses to earnings for the year 1905 was 66.78 per cent. For 1904 this ratio was 67.79 per cent.

EARNINGS AND EXPENSES.

The gross earnings of the railways in the United States from the operation of 216,973.61 miles of line were, for the year ending June 30, 1905, $2,082,482,406, being $107,308,315 greater than for the year 1904, and for the first time exceeding the two billion mark. Their operating expenses were $1,390,602,152, or $51,705,899 more than in 1904. The following figures present a statement of gross earnings in detail and show the increase of the several items over those of the previous year: Passenger revenue, $472,694,732, increase, $28,367,741; mail, $45,426,125, increase, $926,393; express, $45,149,155, increase, $3,273,519; other earnings from passenger service, $11,040,142,

increase, $125,396; freight revenue, $1,450,772,838, increase, $71,770,145; other earnings from freight service, $5,080,266, increase, $511,984; other earnings from operation, $52,319,148, increase, $2,333,137. Gross earnings from operation per mile of line averaged $9,598, the corresponding average for the year 1904 being $292 less.

The operating expenses assigned to the four general classes were: For maintenance of way and structures, $275,046,036; maintenance of equipment, $288,441,273; conducting transportation, $771,228,666; general expenses, $55,319,805; undistributed, $566,372. Operating expenses averaged $6,409 per mile of line, this average showing an increase of $101 per mile in comparison with the year 1904.

The income from operation or net earnings of the railways amounted to $691,880,254. This amount exceeds the corresponding one for the previous year by $55,602,416. The net earnings per mile of line for 1905 averaged $3,189; for 1904, $2,998, and for 1903, $3,133. The amount of income attributable to other sources than operation was $231,898,553. There are included in this amount the following items: Income from lease of road, $114,473,139; dividends on stocks owned, $56,842,694; interest on bonds owned, $18,786,644, and miscellaneous income, $41,796,076. The total income of the railways ($923,778,807); that is, the net earnings and income from lease, investments, and miscellaneous sources—is the amount from which fixed and other charges against income are taken to ascertain the sum available for dividends. Such deductions aggregated $596,688,420, thus leaving $327,090,387 as the net income for the year ending June 30, 1905, available for dividends or surplus.

The amount of dividends declared during the year under review (including $82,415 representing other earnings to stockholders) was $238,046,897, leaving as the surplus from the operations of the year ending June 30, 1905, $89,043,490. The surplus from operations as shown for the preceding year was $56,729,331. The amount of deductions from income as stated above, $596,688,420, comprises these items: Salaries and maintenance of organization, $612,518; interest accrued on funded debt, $310,631,802; interest on current liabilities, $11,451,400; rents paid for lease of road, $116,380,644; taxes, $63,474,679; permanent improvements charged to income account, $37,720,624; other deductions, $56,416,753.

It should be understood that the preceding figures for the income and the expenditures of railway companies are compiled from the annual reports of leased roads as well as of operating roads, and thus necessarily include duplications in certain items of income and also of expenditure on account of the fact that in general the income of a leased road is the rent which it receives from the company by which it is operated.

There is inserted here, however, a summary which presents the income account for all the railways considered as a single system, from which intercorporate payments are substantially eliminated.

Comparative income account of the railways in the United States, considered as a system, for the years ended June 30, 1905, and 1904.

Item.	Amount.				
	1905.		1904.		Increase.
Gross earnings from operation	$2,082,482,406		$1,975,174,091		$107,308,315
Clear income from investments	51,725,750		49,380,970		2,344,780
Gross earnings and income		$2,134,208,156		$2,024,555,061	109,653,095
Operating expenses	1,390,602,152		1,338,896,253		51,705,899
Salaries and maintenance of leased lines	612,518		453,341		159,177
Total		1,391,214,670		1,339,349,594	51,865,076
Net earnings and income		742,993,486		685,205,467	57,788,019
Net interest on funded debt	294,803,884		282,118,438		12,685,446
Interest on current liabilities	11,451,400		13,945,009		a 2,493,609
Taxes	63,474,679		61,696,354		1,778,325
Total		369,729,963		357,759,801	11,970,162
Available for dividends, adjustments, and improvements		373,263,523		327,445,666	45,817,857
Net dividends		188,175,151		183,754,236	4,420,915
Available for adjustments and improvements		b 185,088,372		b 143,691,430	41,396,942

a Decrease.
b This amount includes permanent improvements charged to income account, miscellaneous deductions, and surplus.

The complete report includes a summary showing the total taxes and assessments of the railways by States and Territories and also an analysis showing the basis of assessment.

RAILWAY ACCIDENTS.

In their annual reports to the Interstate Commerce Commission, carriers are expected to include all casualties to passengers, employees, trespassers and other persons. The following figures therefore are not comparable with the returns shown in the Commission's Accident Bulletins, which are based on monthly reports, and mainly relate to casualties to passengers and to employees while on duty on or about trains.

The total number of casualties to persons on the railways for the year ending June 30, 1905, was 95,711, of which 9,703 represented the number of persons killed and 86,008 the number injured. Casualties occurred among three general classes of railway employees, as follows: Trainmen, 1,990 killed and 29,853 injured; switch tenders,

crossing tenders, and watchmen, 136 killed, 883 injured; other employees, 1,235 killed, 36,097 injured. The casualties to employees coupling and uncoupling cars were: Employees killed 230, injured 3,543. The casualties connected with coupling and uncoupling cars are assigned as follows: Trainmen killed 217, injured 3,316; switch tenders, crossing tenders, and watchmen killed 6, injured 128; other employees killed 7, injured 99.

The casualties due to falling from trains, locomotives, or cars in motion were: Trainmen killed, 407; injured, 4,645; switch tenders, crossing tenders, and watchmen killed, 12; injured, 126; other employees killed, 60; injured, 559. The casualties due to jumping on or off trains, locomotives, or cars in motion were: Trainmen killed, 119; injured, 3,798; switch tenders, crossing tenders, and watchmen killed, 4; injured, 111; other employees killed, 49; injured, 628. The casualties to the same three classes of employees in consequence of collisions and derailments were: Trainmen killed, 579; injured, 4,736; switch tenders, crossing tenders, and watchmen killed, 8; injured, 37; other employees killed, 85; injured, 750.

The number of passengers killed in the course of the year 1905 was 537 and the number injured, 10,457. In the previous year 441 passengers were killed and 9,111 injured. There were 341 passengers killed and 6,053 injured because of collisions and derailments. The total number of persons other than employees and passengers killed was 5,805; injured, 8,718. These figures include the casualties to persons trespassing, of whom 4,865 were killed and 5,251 were injured. The total number of casualties to persons other than employees from being struck by trains, locomotives, or cars was 4,569 killed and 4,163 injured. The casualties of this class were: At highway crossings—passengers killed, 1; injured, 10; other persons killed, 837; injured, 1,564; at stations—passengers killed, 24; injured, 90; other persons killed, 381; injured, 571; at other points along track—passengers killed, 6; injured, 37; other persons killed, 3,320; injured, 1,891. The ratios of casualties indicate that 1 employee in every 411 was killed and 1 employee in every 21 was injured. With regard to trainmen—that is, enginemen, firemen, conductors, and other trainmen—it appears that 1 trainman was killed for every 133 employed and 1 was injured for every 9 employed.

In 1905, 1 passenger was killed for every 1,375,856 carried, and 1 injured for every 70,655 carried. For 1904 the figures show that 1,622,267 passengers were carried for 1 killed, and 78,523 passengers were carried for 1 injured. For 1895, 1 passenger was killed for every 2,984,832 carried, and 1 injured for every 213,651 carried. With respect to the number of miles traveled, the figures for 1905 show that 44,320,576 passenger miles were accomplished for each passenger killed, and 2,276,002 passenger miles for each passenger injured. For

1904 the figures were 49,712,502 passenger miles for each passenger killed, and 2,406,236 passenger miles for each passenger injured. The figures for 1895 show that 71,696,743 passenger miles were accomplished for each passenger killed, and 5,131,977 passenger miles for each passenger injured.

SAFETY APPLIANCES.

The condition of safety appliance equipment has continued favorable during the year. Many old cars of light capacity have been retired from service and have been replaced by new cars of modern construction. This has had a good effect, as the new cars are all equipped with air brakes and have the latest couplers, markedly stronger than those put in service a few years ago. In all new construction, also, it is observed that there is a commendable tendency to stick to four or five of the best makes of couplers, thus leading to uniformity and removing the necessity of keeping in stock a large number of repair parts. To this cause may be attributed a great reduction in the number of defects due to wrong repairs.

One of the difficult problems connected with the coupler question is the use of improper repair parts. In most cases such defects can not be discovered until an attempt is made to use the coupler, when it is found inoperative because fitted with knuckle or lock pin of wrong dimension or contour. With couplers in this condition it becomes necessary for men to go between the cars, thus subjecting them to danger and placing carriers in the attitude of violators of the law. The evil has grown to such an extent as to seem to demand attention. It would appear to the best interests of carriers to purchase only those repair parts that will fit the couplers to which they are applied.

Experience has shown the need for an amendment to the law, so as to make it cover all appliances included in the Master Car Builders' standards for the protection of trainmen, such as sill steps, ladders, and roof hand holds. These appliances are essential to the safety of employees, and the government should exercise the same supervision over them as is given to those appliances now covered by law. It is noted, at interchange points particularly, that [redacted]alty defects are well looked after and promptly repaired, but appliances not covered by the law are frequently allowed to pass in a defective condition. It is only by placing such appliances in the same category with those now covered by law that their safe and serviceable condition can be insisted upon at all times. Employees are entitled to this protection.

Hand brakes should also be covered by law, as they are very necessary to the safe handling of cars, and since the general introduction of air brakes the condition of hand brakes has been sadly neglected. It is all the more necessary that hand brakes should be kept in serviceable condition when it is considered that employees are not infrequently

called upon to control trains by hand on account of the failure of air pumps between terminals. Hand brakes are also necessarily used in switching cars.

Failure of an air pump should be treated as an engine failure to the same extent as any other failure of an engine's mechanism, and in such cases another engine should be sent to bring in the train. To run the train without air is a violation of law and not only endangers the lives of the men on the particular train itself, but is a menace to the safety of every other train to be met or passed. The practice is doubly dangerous when hand brakes are not to be depended upon.

Since August 1, 1906, on which date the Commission's order increasing the minimum percentage of power brakes to be used in trains went into effect, there has been a considerable increase in the use of air brakes. The effect of this order has been beneficial, and it is almost universally commended. Indications are that freight trains will soon be controlled wholly by power brakes. The safety of train operation will then be greatly enhanced, as the engineer will have greater confidence in his ability to control his train and the conducter will also be able to exercise control over train movement by means of the conductor's valve in the caboose at the rear end.

The interchange agreement noted by the Commission in its last annual report is still in force, and its effect has been altogether good. The practice of refusing to receive or deliver cars in interchange that do not comply with the requirements of the safety-appliance law has proved satisfactory, and the fear that it would interfere with the forward movement of cars has not been realized. On the contrary, cars are kept in better condition and are safer to handle. For that reason they are moved more rapidly than under the old conditions. When this agreement is strictly observed a receiving road will not repair a car delivered to it with a defective safety appliance, but will return the car to the delivering road. This may at times cause hardship, as in the case of small defects that can be quickly and easily repaired, but the receiving road should nevertheless insist upon the delivering road making the repairs.

Practically, it is [redacted]aterial which road does the work as long as repairs are actually made before the car is moved; but responsibility must rest with the delivering road until the car is placed in such condition that it can be moved without penalty. Delivering roads may entirely avoid the difficulty of having their cars returned for safety-appliance defects by keeping a repair man at the interchange point. If general permission were given for the receiving road to make such repairs the agreement would soon lose force.

Generally speaking, the law has been well observed during the past year, although certain carriers have been somewhat lax, and in these cases it has been necessary to prosecute. To date 224 suits have been

brought for violation of this law. One hundred of these suits have been settled, and penalties to the amount of $22,700 have been collected and turned into the treasury. Of the suits settled, 83 were disposed of by the carriers confessing judgment and paying the penalty. Seventeen suits have gone to trial, in 15 of which the courts have rendered verdicts for the government and in 2 the verdicts have been for the defendant railroad companies. On motion of the government 1 suit was dismissed.

The 2 suits decided against the government are recent cases that were tried in the district court in Colorado. Briefly stated, the court held that it is necesasry to show through billing in order to establish the interstate character of traffic, so as to bring the equipment used under the control of the federal safety appliance law; and that it is sufficient for a railroad company to show that it has exercised reasonable care in the inspection of its equipment to enable it to evade the law's prohibition against handling defective cars. Should this interpretation of the law be finally sustained by a higher court the usefulness of the statute will be greatly impaired.

A notable decision upholding the law was rendered by United States District Judge McPherson at Des Moines, Iowa, on November 27. This decision is important in its bearing upon the question of handling bad-order cars, especially in relation to cars that are wrecked or have their drawbars pulled out on the road, so as to necessitate chaining them together before they can be moved. It also deals with the matter of due diligence, or reasonable care in keeping equipment in order. Judge Whitson, of the United States district court at Spokane, Wash., also decided a case in favor of the government, in which the question of due diligence is admirably treated. These two decisions are the most important that have been rendered in connection with this law since the decision of Judge Humphrey, following the Johnson decision, and because of their importance they are published entire in an appendix to this report.

To secure proper results in the administration of this law, the Congress should provide for a considerable increase in the force of inspectors employed by the Commission. With the great increase in equipment, and the constantly increasing duties that devolve upon the inspectors, it is impossible to effect an entirely satisfactory organization with the present force. The loss of life occasioned by the use of the comparatively light postal cars between heavy locomotives and Pullman cars is a matter that deserves attention. It would be well to have the Congress take some action, to the end that this danger might be obviated.

ACCIDENTS.

For five years railroads engaged in interstate commerce have made under the law of March 3, 1901, monthly reports to the Commission of accidents to passengers and employees. Quarterly accident bulle-

tins have been regularly issued, and Accident Bulletin No. 20, the last issued, shows the total number of deaths, injuries, collisions, and derailments reported for the last fiscal year, that of June 30, 1906. The enormous volume of traffic moved by the railroads of the country during the fiscal year 1905 grew to be still larger in the fiscal year 1906, and the long lists of deaths and injuries grew also, as will be noted by reference to the following table:

Casualties to passengers and employees, years ending June 30.

	1906.		1905.		1904.		1903.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Passengers:								
In train accidents	182	6,778	350	6,498	270	4,945	164	4,424
Other causes	236	4,407	187	3,542	150	3,132	157	2,549
Total	418	11,185	537	10,040	420	8,077	321	6,973
Employees:								
In train accidents	879	7,483	798	7,052	844	6,990	895	6,440
In coupling accidents	311	3,503	243	3,110	278	3,441	253	2,788
Overhead obstructions, etc	132	1,497	92	1,185	116	1,210	93	992
Falling from cars, etc	713	11,253	633	9,237	700	9,371	678	8,025
Other causes	1,772	31,788	1,495	24,842	1,429	22,254	1,314	20,759
Total	3,807	55,524	3,261	45,426	3,367	43,266	3,233	39,004
Total passengers and employees	4,225	66,709	3,798	55,466	3,787	51,343	3,554	45,977

The tremendous increase in the volume of freight traffic has put a severe strain on the men connected with the movement of freight trains, and this has often been made the justification of or excuse for working men unduly long hours, and has led to the employment of many young and inexperienced persons. In the matter of long hours the accident records have shown instances of even worse conditions than were shown in former years.

In a single item, that of passengers killed in collisions and derailments, the record of 1906 is not so bad as that of 1905. This is a cause for gratification; but the only certain indication of the figures is that the number and severity of *great* disasters have diminished. On the other hand, the number of persons injured, which has increased, and the casualties to trainmen from the same causes, which have increased both deaths and injuries, indicate that in the great class of what may be called ordinary train accidents there is no improvement. Another comparison, which is not particularly affected by the great and exceptionally fatal disasters, and therefore does not fluctuate widely, as does the list of fatal injuries to passengers, is the cost of collisions, as reported by the companies, excluding damages to property and indemnities paid to or on account of persons killed or injured. This total for 1906, $10,659,189, is nearly a million dollars greater than in the preceding year.

The quarterly accident bulletins have contained detailed statements of the causes of and circumstances attending the more prominent collisions and derailments shown in the statistical tables.[a] As has been pointed out before, these detailed statements of causes constitute the most instructive feature of the bulletins. The statistical tables contain no new lessons. They only serve to confirm, where confirmation is scarcely needed, the serious and pressing character of the threefold problem which has been made the chief feature of this department of our last two or three annual reports: (1) The investigation of accidents; (2) the requirement by law that the block system shall be used on passenger lines; and (3) the regulation by governmental authority of the evil of overwork by trainmen, signalmen and telegraph operators.

We can but urge, with all possible emphasis, that the Congress consider these questions without delay. Four disastrous railroad accidents have occurred since the close of the last fiscal year (not included in the statistics referred to above), which show in a peculiar way the need of an impartial investigation and publication of all the circumstances connected with the causes of the accidents in question. In one of these cases over 50 passengers were killed, mostly by drowning, at a drawbridge. This occurred in a State in which there is no railroad commission and no expert officer in any department to inquire into railroad accidents; and questions in which the public is vitally interested, such as the proper construction of drawbridges and their locking arrangements, the signals controlling trains approaching such bridges, and the instructions and discipline of the men who manage the trains and bridges, are not likely to be the subject of any expert and authoritative investigation.

Two of the four accidents were head-end collisions on lines not worked by the block system. Concerning this, the Commission can only repeat its former recommendation that the block system be required by law. One of these collisions occurred on the lines of a company which has the block system in use on other parts of its lines. This detail—the question as to what part of a given company's lines, if any, should be exempted from a block-signal law—is an important feature of the bill which was proposed by the Commission in its report for 1903. A bill, in substantially the same form as this, was introduced in the last Congress by Representative Esch, of Wisconsin. From a public standpoint the block system is required on every railroad line where passenger trains are run, unless it be those minor branches where only one locomotive is ordinarily used. The standpoint of the railroad appears, in many cases, to differ from that of the public; the very moderate additional expense of the block system, as compared with the value of the time-interval, is deemed unjustifiable except on those

[a] A condensed statement will be found in the appendix.

divisions carrying the heaviest of the company's traffic. This position of the railroad is open to challenge.

The last of the four accidents referred to was a rear-end collision on a railroad worked by the telegraph block system, and in it the president of the road himself was killed. An accident of this kind illustrates with peculiar force the need of impartial investigation by government authority. The block system is universally admitted to be the best method of managing trains as regards prevention of collisions on high-speed lines. The reasons for adopting it in spite of the contingency of accidents have been given repeatedly in former reports. In recommending the block system, the Commission has not been unmindful of the possibility, and even the probability, that collisions would occur under it. But no one claims that these disasters are the fault of the system; nor that the administration of the system on many railroads is not susceptible to improvement; nor that there are not many differences between the man-operated system, under which this last collision occurred, and the automatic system.

Questions concerning details of appliances and of methods of operation and discipline are still the subject of discussion among railroad officers. The automatic block system, under which remarkable safety records have been made, is also susceptible of further improvement. The block system is the only rational system, whether automatic or nonautomatic. Those railroads which use it should cure its defects, and those which are dilatory in introducing it should be required to adopt it.

All the foregoing considerations combine to enforce the need of establishing a competent expert investigating body which shall give full publicity to every feature of this question. In this need all people who ride on railroads as passengers, and all men who are employed on railroads as trainmen, are deeply interested. Intelligent public opinion has indorsed the recommendations of the Commission in its former reports, both as regards the need of government investigation and of a law requiring the use of the block system; and the dangers connected with excessive working hours have been made the subject of a bill which is now being considered by the Congress.

As suggested by the Commission in its last annual report, the law requiring carriers to make monthly reports of accidents should be amended so that the reports thereby required shall include accidents of every kind and to all classes of persons, the form of such reports to be regulated by the Commission. The matter of accidents could then be omitted from their annual reports, since the whole subject would be covered by the monthly reports. This would simplify the law and give greater value to our accident statistics. The information concerning accidents would thus be given to the public much earlier than it can possibly be given through the annual reports. The value of

and benefit from these reports lie in bringing their prominent facts to public attention at the time when they are fresh and of public interest. They thus have more force and effect than when left for several months before being reported. When the facts are published at the time the accident happens, the remedy is suggested to the public much better than it can be under the present system.

Acting under Public Resolution No. 46, approved by the President, June 30, 1906, the Commission has engaged in an investigation of the use of and the necessity for block-signal systems and appliances for the automatic control of trains. Information on various phases of the subject has been gathered from the railroads, from manufacturers and designers of signals, and from other sources, and, with the aid of experts, this information is being put in shape to be reported to the Congress. The report will shortly be transmitted.

All of which is respectfully submitted.

MARTIN A. KNAPP.
JUDSON C. CLEMENTS.
CHARLES A. PROUTY.
FRANCIS M. COCKRELL.
FRANKLIN K. LANE.
EDGAR E. CLARK.
JAMES S. HARLAN.

APPENDIX A.

NAMES AND COMPENSATION OF ALL EMPLOYEES, TOGETHER WITH A STATEMENT OF APPROPRIATION AND EXPENDITURES.

1906.

APPROPRIATION, STATEMENT OF EXPENDITURES, AND PERSONS EMPLOYED BY THE COMMISSION.

STATEMENT OF APPROPRIATION AND AGGREGATE EXPENDITURES FOR THE INTERSTATE COMMERCE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1906.

Sundry civil act, April 28, 1904.—For salaries of Commissioners, as provided by the "act to regulate commerce"	$37,500.00	
For salary of secretary, as provided by the "act to regulate commerce"	3,500.00	
		$41,000.00
For all other necessary expenditures to enable the Commission to give effect to and execute the provisions of said "act to regulate commerce"	249,000.00	
Deficiency act, April 16, 1906	45,000.00	
		294,000.00
To enable the Interstate Commerce Commission to keep informed regarding compliance with the "act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to enforce the requirements of the said act	75,000.00	
Deficiency act, February 27, 1906.—Unexpended balance transferred from fiscal year 1905 and made available for the use of the fiscal year 1906.	8,225.08	
		83,225.08
Total		418,225.08
Amount paid as salaries to Commissioners and secretary	37,250.00	
Amount expended for all other purposes	274,946.82	
Amount expended under "safety-appliance appropriation"	69,944.56	
		382,141.38
Unexpended balance, June 30, 1906:		
Appropriation for salaries of Commissioners	3,750.00	
Appropriation for all other necessary expenditures	19,053.18	
Appropriation for "safety-appliance act, March 2, 1893"	13,280.52	
		36,083.70

DETAILED STATEMENT OF EXPENDITURES OF THE INTERSTATE COMMERCE COMMISSION FOR FISCAL YEAR ENDING JUNE 30, 1906.

Salaries of Commissioners and secretary		$37,250.00
Employees:		
1 statistician, 12 months, at $291.66⅔ per month	$3,500.00	
1 assistant secretary, 12 months, at $250 per month	3,000.00	
1 solicitor, 12 months, at $250 per month	3,000.00	
1 auditor, 12 months, at $208.33⅓ per month	2,500.00	
1 special agent, 12 months, at $208.33⅓ per month	2,500.00	
1 assistant attorney, 12 months, at $208.33⅓ per month	2,500.00	
1 chief clerk, 12 months, at $166.66⅔ per month	2,000.00	
1 assistant statistician, 12 months, at $166.66⅔ per month	2,000.00	
1 assistant auditor, 12 months, at $166.66⅔ per month	2,000.00	
2 confidential clerks, 12 months, at $166.66⅔ per month	4,000.00	

Employees—Continued.

3 law clerks, 12 months, at $166.66⅔ per month	$6,000.00
1 disbursing clerk, 12 months, at $166.66⅔ per month	2,000.00
1 confidential clerk, 6 months and 9 days, at $166.66⅔ per month	1,050.00
1 confidential clerk, 5½ months and 6 days, at $166.66⅔ per month	949.99
2 clerks, 12 months, at $150 per months	3,600.00
8 clerks, 12 months, at $133.33⅓ per month	12,800.00
1 official stenographer, 12 months, at $125 per month	1,500.00
1 official stenographer, 3½ months and 2 days, and clerk, 8 months and 14 days, at $125 per month	1,500.00
3 clerks, 12 months, at $125 per month	4,500.00
1 clerk, 11½ months and 14 days, at $125 per month	1,495.83
18 clerks, 12 months, at $116.66⅔ per month	25,200.00
1 clerk, 3½ months and 2 days, and official stenographer, 8 months and 14 days, at $116.66⅔ per month	1,400.00
1 clerk, 11½ months and 2 days, at $116.66⅔ per month	1,349.44
20 clerks, 12 months, at $108.33⅓ per month	26,000.00
1 clerk, 11½ months and 14 days, at $108.33⅓ per month	1,296.39
1 clerk, 11½ months and 10½ days, at $108.33⅓ per month	1,283.73
1 clerk, 11½ months and 8 days, at $108.33⅓ per month	1,274.72
1 clerk, 11 months and 9 days, at $108.33⅓ per month	1,224.18
1 clerk, 10½ months and 9 days, at $108.33⅓ per month	1,170.01
1 clerk, 9½ months, at $108.33⅓ per month	1,029.17
1 clerk, 4 months and 12 days, at $108.33⅓ per month	476.66
1 clerk, 3 months and 10 days, at $108.33⅓ per month	361.10
11 clerks, 12 months, at $100 per month	13,200.00
1 clerk, 11½ months and 14½ days, at $100 per month	1,138.33
1 clerk, 11½ months and 6½ days, at $100 per month	1,171.66
1 clerk, 6½ months and 5 days, at $100 per month	666.67
1 clerk, 6 months, at $100 per month	600.00
10 clerks, 12 months, at $91.66⅔ per month	11,000.00
1 clerk, 11½ months and 14½ days, at $91.66⅔ per month	1,098.48
10 clerks, 12 months, at $83.33⅓ per month	10,000.00
1 skilled laborer, 12 months, at $83.33⅓ per month	1,000.00
1 clerk, 11½ months and 14 days, at $83.33⅓ per month	997.22
1 clerk, 11½ months and 11 days, at $83.33⅓ per month	988.89
1 clerk, 11½ months and 10 days, at $83.33⅓ per month	986.12
1 clerk, 10½ months and 12¼ days, at $83.33⅓ per month	909.03
6 clerks, 12 months, at $75 per month	5,400.00
1 clerk, 10 months and 9 days, at $75 per month	772.50
1 clerk, 7½ months and 8 days, at $75 per month	582.50
1 clerk, 6½ months and 5 days, at $75 per month	500.00
1 clerk, 4½ months and 6 days, at $75 per month	352.50
1 clerk, 3½ months and 9 days, at $75 per month	285.00
1 clerk, 3½ months and 5 days, at $75 per month	275.00
1 clerk, 3 months and 2 days, at $75 per month	230.00
2 clerks, 2½ months and 12 days, at $75 per month	435.00
1 clerk, 2½ months and 11 days, at $75 per month	215.00
1 clerk, 2 months, at $75 per month	150.00
1 clerk, 1 month and 10 days, at $75 per month	100.00
1 clerk, ½ month and 5 days, at $75 per month	50.00
1 temporary clerk, 3½ months and 4 days, at $75 per month	272.50

Employees—Continued.	
1 temporary clerk, 2½ months and 2 days, at $75 per month	$192.50
1 temporary clerk, 2 months and 4 days, at $75 per month	160.00
1 temporary clerk, 2 months and 2 days, at $75 per month	155.00
1 temporary clerk, 1½ months and 14 days, at $75 per month	147.50
1 temporary clerk, 1½ months and 13 days, at $75 per month	145.00
1 temporary clerk, ½ month and 2 days, at $75 per month	42.50
3 temporary clerks, 13 days, at $75 per month	97.50
1 clerk, 12 months, at $70 per month	840.00
1 laborer, 12 months, at $60 per month	720.00
1 messenger boy, 4 months, at $40 per month, and messenger, 8 months, at $60 per month	640.00
1 messenger boy, 11 months, at $40 per month, and messenger, 1 month, at $60 per month	500.00
1 watchman, 2½ months and 6 days, at $60 per month	162.00
1 temporary watchman, 2½ months and 11 days, at $60 per month	172.00
One laborer, 12 months, at $50 per month	600.00
One foreman laborer, 12 months, at $45 per month	540.00
One laborer, 12 months, at $45 per month	540.00
1 temporary messenger boy, 10 days, and messenger boy, 9½ months and 9 days, at $40 per month	405.33
1 messenger boy, 1½ months and 7 days, at $40 per month	69.33
1 laborer, 12 months, at $40 per month	480.00
1 messenger boy, 12 months, at $35 per month	420.00
1 messenger boy, 7½ months and 13½ days, at $35 per month	278.24
1 messenger boy, 7½ months and 9 days, at $35 per month	273.00
1 messenger boy, 3½ months and 11 days, at $35 per month	135.34
1 messenger boy, 1½ months and 10 days, at $35 per month	64.17
6 laborers, 12 months, at $35 per month	2,520.00
1 laborer, 9½ months and 14 days, at $35 per month	348.83
1 laborer, ½ month and 4 days, at $35 per month	22.17
1 laborer, ½ month and 3 days, at $35 per month	21.00
1 temporary laborer, 12 months, at $35 per month	420.00
1 temporary laborer, 2 months, at $35 per month	70.00
3 temporary laborers, 8 days, at $35 per month	27.99
1 temporary skilled laborer, 163¼ days, at $1.50 per day	244.87
1 temporary skilled laborer, 139¾ days, at $1.50 per day	209.62
1 temporary skilled laborer, 57 days, at $1.50 per day	85.50
1 temporary skilled laborer, 8 days, at $1.50 per day	12.00
1 special employee, 30 days, at $20 per day	600.00
1 special employee, 132 days at $7.50 per day and 90 days at $5 per day	1,440.00
Stenography and typewriting:	
14⅔ days, at $10 per day	146.00
2½ days, at $5 per day	12.50
791 hours, at 40 cents per hour	316.40
78 folios, at 35 cents per folio	27.30
1,280½ folios, at 20 cents per folio	256.10
349 folios, at 10 cents per folio	34.90

Stenography and typewriting—Continued.		
317½ folios, at 6 cents per folio	$19.05	
2,004 folios, at 5 cents per folio	100.20	
221 folios, at 4 cents per folio	8.84	
242 folios, at 2 cents per folio	4.84	
23 pages, at 20 cents per page	4.60	
1,655 pages, at 4 cents per page	67.40	
		$192,697.14
Traveling expenses of the Commission from Washington to Baltimore, Philadelphia, Atlantic City, New York, Providence, Boston, Buffalo, Cleveland, Toledo, Detroit, Madison, Deadwood, St. Paul, Harrisburg, Scranton, Dubois, Clearfield, Altoona, Greensburg, Pittsburg, Columbus, Fort Wayne, Chicago, Cincinnati, Louisville, St. Louis, Kansas City, Omaha, Davenport, Norfolk, Memphis, Atlanta, Birmingham, New Orleans, Little Rock, at divers times, and to Annapolis, Norristown, Asbury Park, Binghamton, Richmond, Suffolk, Warsaw, Potecasi, Wilmington, Chadbourn, Chattanooga, Mobile, Huntington, Wabash, Terre Haute, Englewood, Springfield, Colfax, Jefferson City, Platte City, Grand Forks, Hot Springs, Milwaukee, Sunbury, Johnsonburg, Kane, Punxsutawney, Indiana, Butler, Reynoldsville, Danville:		
Railroad fares and accommodations while traveling, transportation of baggage, and bus fares	8,042.86	
Hotel bills and meals en route	4,648.95	
Stationery, extra clerks, and messenger service	229.84	
		12,921.65
Rent of offices, second, third, fifth, sixth, seventh, eighth and ninth floors, 4 rooms on fourth floor, and cellar, of American Bank Building, 1317 F street NW., and basement under premises 1334 F street, NW. (this charge includes heating, watchman, elevator, and water service)		14,612.50
Desks, chairs, tables, bookcases and filing cases, typewriters, etc		4,439.53
Printing reports, decisions, circulars, order blanks, and stationery		17,574.99
Railway and law books		1,498.35
Counsel		17,839.53
Witness fees		3,192.20
Telegrams		816.50
Incidental expenses		9,354.43
Safety appliances:		
1 inspector clerk, 12 months, at $125 per month	$1,500.00	
15 inspectors, 12 months, at $125 per month	22,500.00	
1 inspector, 11 months and 25 days, at $125 per month	1,479.16	
1 inspector, 11 months and 4 days, at $125 per month	1,391.67	
1 inspector, 11 months and 7 days, at $125 per month	1,404.17	
1 inspector, 8 months and 8 days, at $125 per month	1,033.33	
I clerk, 12 months, at $108.33⅓ per month	1,300.00	
1 clerk, 12 months, at $100 per month	1,200.00	
1 clerk, 1 month and 16 days, at $100 per month	153.33	
1 temporary clerk, 1 month and 8 days, at $60 per month, and clerk, 9 months, at $75 per month	751.00	
Traveling expenses	34,851.32	
Incidental expenses	2,380.58	
		69,944.56
Total amount of expenditures from July 1, 1905, to June 30, 1906		382,141.38

CLERICAL FORCE OF THE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1906.

Name.	Office.	Whence appointed.	Time employed.	Per month.
Henry C. Adams	Statistician	Michigan	1 year	$291.66⅔
Martin S. Decker	Assistant secretary	New York	do	250.00
Lewellyn A. Shaver	Solicitor	Alabama	do	250.00
Jesse M. Smith	Auditor	do	do	208.33⅓
John T. Marchand	Special agent	Pennsylvania	do	208.33⅓
Patrick J. Farrell	Assistant attorney	Vermont	do	208.33⅓
William H. Connolly	Chief clerk	North Dakota	do	166.66⅔
Walter E. Burleigh	Assistant statistician	New Hampshire	do	166.66⅔
George T. Roberts	Assistant auditor	Vermont	do	166.66⅔
Henry Talbott	Law clerk	Illinois	do	166.66⅔
Samuel W. Briggs	do	Iowa	do	166.66⅔
William McCambridge	Confidential clerk	Illinois	do	166.66⅔
H. S. Milstead	Disbursing clerk	Virginia	do	166.66⅔
Luther M. Walter	Law clerk	Kentucky	do	166.66⅔
Ward Prouty	Confidential clerk	Vermont	do	166.66⅔
Allen V. Cockrell	do	Missouri	6 months 9 days	166.66⅔
William H. Holloway	do	North Carolina	5½ months 6 days	166.66⅔
Livingston Vann	Clerk	Florida	1 year	150.00
Edward L. Pugh	do	Alabama	do	150.00
Robert F. McMillan	do	Indiana	do	133.33⅓
Robert G. Batten	do	Georgia	do	133.33⅓
Daniel M. Wood	do	New York	do	133.33⅓
Bloom D. Chapman	do	do	do	133.33⅓
Harry C. Robinson	do	Vermont	do	133.33⅓
George M. Crosland	do	South Carolina	do	133.33⅓
Raymond Loranz	do	Iowa	do	133.33⅓
Jack F. Moss	do	Mississippi	do	133.33⅓
John J. McAuliffe	Official stenographer	District of Columbia	do	125.00
J. Howard Fishback	do	do	3½ months 2 days	125.00
Do	Clerk	do	8 months 14 days	125.00
Edward M. Graney	do	New York	1 year	125.00
Thomas Jackson	do	do	do	125.00
R. Wirt Washington	do	Virginia	do	125.00
Ervin C. Bowen	do	District of Columbia	11½ months 14 days	125.00
William A. King	do	New York	1 year	116.66⅔
J. Fletcher Johnston	do	Kentucky	do	116.66⅔
Duncan L. Richmond	do	District of Columbia	do	116.66⅔
John A. Shearer	do	Pennsylvania	do	116.66⅔
John F. Dwyer	do	Massachusetts	do	116.66⅔
Michael Hays Perry	do	New Jersey	do	116.66⅔
John S. Walker	do	Iowa	do	116.66⅔
Joseph G. Blount	do	Georgia	do	116.66⅔
Eugene L. Gaddess	do	Virginia	do	116.66⅔
James C. Jemison	do	Delaware	do	116.66⅔
John H. Clipper	do	Maryland	do	116.66⅔
Charles F. Gerry	do	do	do	116.66⅔
Montgomery Cumming	do	Georgia	do	116.66⅔
Jesse D. Newton	do	Iowa	do	116.66⅔
Henry A. Dwight	do	do	do	116.66⅔
Frank M. Young	do	Pennsylvania	3½ months 2 days	116.66⅔
Do	Official stenographer	do	8 months 14 days	116.66⅔
Silas C. Robb	Clerk	Kansas	1 year	116.66⅔
James L. Murphy	do	Louisiana	do	116.66⅔
Alfred Holmead	do	District of Columbia	do	116.66⅔
Silas H. Smith	do	Kentucky	11½ months 2 days	116.66⅔
Robert E. Lewis	do	District of Columbia	1 year	108.33⅓

CLERICAL FORCE OF THE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1906—Continued.

Name.	Office.	Whence appointed.	Time employed.	Per month.
Edward B. Blizzard	Clerk	West Virginia	1 year	$108.33⅓
James S. Fitzhugh	do	Texas	do	108.33⅓
Louis W. Perkins	do	Louisiana	do	108.33⅓
Henry E. Kondrup	do	District of Columbia	do	108.33⅓
George O. Boal	do	Pennsylvania	do	108.33⅓
J. J. Lewis	do	Colorado	do	108.33⅓
Archibald H. Davis	do	North Carolina	do	108.33⅓
Samuel D. Sterne	do	Iowa	do	108.33⅓
William R. England	do	Virginia	do	108.33⅓
George I. Thomas	do	Georgia	do	108.33⅓
William F. Craig	do	Pennsylvania	do	108.33⅓
George Q. Houlehan	do	Maine	do	108.33⅓
William C. Swain	do	District of Columbia	do	108.33⅓
Charles S. Rockwood	do	Massachusetts	do	108.33⅓
James R. Pipes	do	West Virginia	do	108.33⅓
John H. Anderson	do	Indiana	do	108.33⅓
Carlton R. Willett	do	Texas	do	108.33⅓
Eugene K. Guilford	do	District of Columbia	do	108.33⅓
Leonard E. Schellberg	do	Hawaii	do	108.33⅓
John H. Tilton	do	New Jersey	11⅓ months 14 days	108.33⅓
Pearson F. Marsh	do	Ohio	11⅓ months 10⅓ days	108.33⅓
Charles H. Young	do	Missouri	11⅓ months 8 days	108.33⅓
Hart P. Grigsby	do	Kentucky	11 months 9 days	108.33⅓
Zeb. Vance Harris	do	North Carolina	10⅓ months 9 days	108.33⅓
John C. C. Patterson	do	Maryland	9⅓ months	108.33⅓
J. D. McCafferty	do	Pennsylvania	4 months 12 days	108.33⅓
Frederick P. Russell	do	Massachusetts	3 months 10 days	108.33⅓
Walter W. Scott	do	Virginia	1 year	100.00
Fontaine L. Carswell	do	Georgia	do	100.00
Arthur F. Rudolph	do	South Dakota	do	100.00
Charles D. Drayton	do	South Carolina	do	100.00
E. B. Elson	do	Nebraska	do	100.00
John S. Copeland	do	Arkansas	do	100.00
Frank C. Stratton	do	Kansas	do	100.00
W. J. Lester Sis	do	District of Columbia	do	100.00
George Stevens	do	Colorado	do	100.00
Lorin C. Nelson	do	North Dakota	do	100.00
Ross D. Rynder	do	Pennsylvania	do	100.00
Bennet C. Taliaferro	do	Tennessee	11⅓ months 14⅓ days	100.00
William S. Hardesty	do	Indiana	11⅓ months 6⅓ days	100.00
John B. Lybrook	do	Virginia	6⅓ months 5 days	100.00
William W. Chance	do	Illinois	6 months	100.00
Calvin A. Mathes	do	Tennessee	1 year	91.66⅔
Andrew Denham	do	Florida	do	91.66⅔
William A. Cox	do	Tennessee	do	91.66⅔
Abram P. Worthington	do	Ohio	do	91.66⅔
Henry J. Conyngton	do	Texas	do	91.66⅔
Richard F. De Lacy	do	New York	do	91.66⅔
James H. Lewis	do	District of Columbia	do	91.66⅔
Clare R. Hughes	do	Indian Territory	do	91.66⅔
Wilbur H. Peter	do	Tennessee	do	91.66⅔
John C. Léger	do	Mississippi	do	91.66⅔
A. M. Hartsfield	do	Georgia	11⅓ months 14⅓ days	91.66⅔
C. W. Kendall	do	Colorado	1 year	83.33⅓
Robert S. Pierson	do	Hawaii	do	83.33⅓

CLERICAL FORCE OF THE COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1906—Continued.

Name.	Office.	Whence appointed.	Time employed.	Per month.
Charles F. Ford	Skilled laborer	New York	1 year	$83.33⅓
J. Ward Eicher	Clerk	Pennsylvania	do	83.33⅓
Herman Felter	do	Kentucky	do	83.33⅓
William E. Baker	do	Iowa	do	83.33⅓
Charles F. Fuller	do	New York	do	83.33⅓
George A. Petteys	do	Illinois	do	83.33⅓
Leroy Stafford Boyd	do	Louisiana	do	83.33⅓
J. Chester Wilfong	do	Maryland	do	83.33⅓
Warren H. Wagner	do	Pennsylvania	do	83.33⅓
T. Wingfield Bullock	do	Kentucky	11⅓ months 14 days	83.33⅓
Laurence J. McGee	do	Maryland	11⅓ months 11 days	83.33⅓
Ira B. Conkling	do	Missouri	11⅓ months 10 days	83.33⅓
William J. Davis	do	District of Columbia	10⅓ months 12¼ days	83.33⅓
Nelson B. Bell	do	Porto Rico	1 year	75.00
Hampton W. Riley	do	do	do	75.00
Archibald H. Morrow	do	Oregon	do	75.00
Alvin S. Callahan	do	Texas	do	75.00
Ulysses Butler	do	Pennsylvania	do	75.00
William G. Willige	do	District of Columbia	do	75.00
Ferdinand D. Davison	do	Virginia	10 months 9 days	75.00
Walter A. McMillan	do	South Carolina	7½ months 8 days	75.00
Frank E. Watson, jr.	do	Wisconsin	6½ months 5 days	75.00
Frank W. Broughton	do	Florida	4⅓ months 6 days	75.00
William T. Parrott	do	Georgia	3⅓ months 9 days	75.00
George B. Edwards	do	Porto Rico	3⅓ months 5 days	75.00
Paul E. Huettner	do	Tennessee	3 months 2 days	75.00
Claude E. Koss	do	District of Columbia	2⅓ months 12 days	75.00
Harry H. Little	do	Indian Territory	do	75.00
Joseph S. Moss	do	Vermont	2⅓ months 11 days	75.00
William P. Bartel	do	Wisconsin	2 months	75.00
Edward Dillon	do	California	1 month 10 days	75.00
Thad. E. Ragsdale	do	Pennsylvania	⅓ month 5 days	75.00
George F. Cook	Temporary clerk	Kansas	3⅓ months 4 days	75.00
James S. Payne	do	District of Columbia	2⅓ months 2 days	75.00
James H. McCuen	do	Virginia	2 months 4 days	75.00
Richard G. Taylor	do	Minnesota	2 months 2 days	75.00
Paul L. Hallam	do	Michigan	1⅓ months 14 days	75.00
Stacy H. Myers	do	District of Columbia	1⅓ months 13 days	75.00
Ralph Koontz	do	Ohio	⅓ month 2 days	75.00
Edgar M. Ebert	do	District of Columbia	13 days	75.00
Robert H. Turner	do	Virginia	do	75.00
Henry A. Works	do	New York	do	75.00
M. D. L. Harden	Clerk	Kansas	1 year	70.00
Charles F. Forsyth	Laborer	Iowa	do	60.00
Frank M. Hall	Messenger	Pennsylvania	8 months	60.00
Do	Messenger boy	do	4 months	40.00
John A. Lawless	Messenger	District of Columbia	1 month	60.00
Do	Messenger boy	do	11 months	40.00
Daniel W. Moore	Watchman	Alabama	2⅓ months 6 days	60.00
William R. Householder	Temporary watchman	Pennsylvania	2⅓ months 11 days	60.00
Thomas H. Robinson	Laborer	District of Columbia	1 year	50.00
Henry Cissel	Foreman laborer	do	do	45.00
James A. Dove	Laborer	do	do	45.00
John B. Switzer	Messenger boy	West Virginia	9⅓ months 9 days	40.00

CLERICAL FORCE OF COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1906—Continued.

Name.	Office.	Whence appointed.	Time employed.	Per month.
John B. Switzer	Temporary messenger boy.	West Virginia	10 days	$40.00
Morris H. Konigsberg	Messenger boy	Georgia	1⅓ months 7 days	40.00
George T. Ward	Laborer	District of Columbia	1 year	40.00
William R. Brennan	Messenger boy	Wisconsin	do	35.00
Emmette B. Woodward	do	Georgia	7⅓ months 13⅓ days	35.00
Edgar Bittinger	do	Pennsylvania	7⅓ months 9 days	35.00
Charles E. Cotterill	do	Michigan	3⅓ months 11 days	35.00
Harry J. Barnholt	do	Pennsylvania	1⅓ months 10 days	35.00
Cary A. Johnson	Laborer	District of Columbia	1 year	35.00
Robert H. Wilkinson	do	do	do	35.00
Nelson Arnold	do	North Carolina	do	35.00
Charles H. Fennell	do	do	do	35.00
Todd Mozee	do	Illinois	do	35.00
Daniel E. Brewer	do	Indiana	do	35.00
Charles E. Hill	do	West Virginia	9⅓ months 14 days	35.00
Frank A. Fisher	do	District of Columbia	⅓ month 4 days	35.00
Frederick Dockett	do	do	⅓ month 3 days	35.00
Franklin E. Dove	Temporary laborer	do	1 year	35.00
Charles A. Whelen	do	Virginia	2 months	35.00
Edward Bailey	do	District of Columbia	8 days	35.00
Richmond L. Beazley	do	Virginia	do	35.00
George E. Sullivan	do	District of Columbia	do	35.00
Roy B. Gilliland	Temporary skilled laborer.	Illinois	163¼ days	p.d.1.50
Henry W. Hewlett	do	District of Columbia	139¾ days	p.d.1.50
Roscoe M. Catching	do	Kentucky	57 days	p.d.1.50
Joseph V. Cullen	do	District of Columbia	8 days	p.d.1.50
William J. Meyers	Special employee	Colorado	132 days	p.d.7.50
Do	do	do	90 days	p.d.5.00
Thomas Moore Jackson	do	West Virginia	30 days	(a)
Wilfred P. Borland	Inspector clerk	Washington	1 year	125.00
J. W. Watson	Inspector	New York	do	125.00
Frank C. Smith	do	Michigan	do	125.00
Richard R. Cullinane	do	Mississippi	do	125.00
W. R. Wright	do	Missouri	do	125.00
H. K. Swasey	do	Massachusetts	do	125.00
James E. Jones	do	Illinois	do	125.00
James J. Coutts	do	Ohio	do	125.00
C. F. Merrill	do	Wisconsin	do	125.00
George E. Starbird	do	Illinois	do	125.00
James A. Lawson	do	Texas	do	125.00
John F. Ensign	do	Colorado	do	125.00
J. H. Stricklan	do	Minnesota	do	125.00
Burt C. Craig	do	New York	do	125.00
George B. Winter	do	Utah	do	125.00
Elbridge L. Gibbs	do	Texas	do	125.00
Albert H. Hawley	do	New York	11 months 25 days	125.00
Austin F. Duffy	do	Pennsylvania	11 months 7 days	125.00
Hiram W. Belnap	do	Illinois	11 months 4 days	125.00
Henry Kirch	do	New Mexico	8 months 8 days	125.00
Richmond F. Bingham	Clerk	New Hampshire	1 year	108.33⅓
John M. Gitterman	do	New York	do	100.00
Alfred T. Allen	do	Iowa	1 month 16 days	100.00
Morris H. Konigsberg	do	Georgia	9 months	75.00
Do	Temporary clerk	do	1 month 8 days	60.00

(a) $20 per day.

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION, DECEMBER 1, 1906.

Name.	Office.	Whence appointed.	Salary per month.
Martin S. Decker	Assistant secretary	New York	$250.00
Lewellyn A. Shaver	Solicitor	Alabama	250.00
Jesse M. Smith	Auditor	....do	208.33⅓
John T. Marchand	Special agent	Pennsylvania	208.33⅓
Patrick J. Farrell	Assistant attorney	Vermont	208.33⅓
William H. Connolly	Chief clerk	North Dakota	166.66⅔
Walter E. Burleigh	Assistant statistician	New Hampshire	166.66⅔
George T. Roberts	Assistant auditor	Vermont	166.66⅔
Henry Talbott	Law clerk	Illinois	166.66⅔
Samuel W. Briggs	....do	Iowa	166.66⅔
William McCambridge	Confidential clerk	Illinois	166.66⅔
H. S. Milstead	Disbursing clerk	Virginia	166.66⅔
Luther M. Walter	Law clerk	Kentucky	166.66⅔
Ward Prouty	Confidential clerk	Vermont	166.66⅔
Allen V. Cockrell	....do	Missouri	166.66⅔
Livingston Vann	Clerk	Florida	166.66⅔
John H. Marble	Confidential clerk	California	166.66⅔
Charles F. Gerry	....do	Maryland	166.66⅔
Edward L. Pugh	Clerk	Alabama	150.00
Robert F. McMillan	....do	Indiana	133.33⅓
Robert G. Batten	....do	Georgia	133.33⅓
Daniel M. Wood	....do	New York	133.33⅓
Bloom D. Chapman	....do	....do	133.33⅓
Harry C. Robinson	....do	Vermont	133.33⅓
George M. Crosland	....do	South Carolina	133.33⅓
Raymond Loranz	....do	Iowa	133.33⅓
Jack F. Moss	....do	Mississippi	133.33⅓
John J. McAuliffe	Official stenographer	District of Columbia	125.00
J. Howard Fishback	Clerk	....do	125.00
Edward M. Graney	....do	New York	125.00
Thomas Jackson	....do	....do	125.00
Ervin C. Bowen	....do	District of Columbia	125.00
R. Wirt Washington	....do	Virginia	125.00
James L. Murphy	....do	Louisiana	125.00
Alfred Holmead	....do	District of Columbia	125.00
William A. King	....do	New York	116.66⅔
J. Fletcher Johnston	....do	Kentucky	116.66⅔
Duncan L. Richmond	....do	District of Columbia	116.66⅔
John A. Shearer	....do	Pennsylvania	116.66⅔
John F. Dwyer	....do	Massachusetts	116.66⅔
Michael Hays Perry	....do	New Jersey	116.66⅔
John S. Walker	....do	Iowa	116.66⅔
Joseph G. Blount	....do	Georgia	116.66⅔
Eugene L. Gaddess	....do	Virginia	116.66⅔
James C. Jemison	....do	Delaware	116.66⅔
John H. Clipper	....do	Maryland	116.66⅔
Silas H. Smith	....do	Kentucky	116.66⅔
Montgomery Cumming	....do	Georgia	116.66⅔
Jesse D. Newton	....do	Iowa	116.66⅔
Henry A. Dwight	....do	....do	116.66⅔
Frank M. Young	Official stenographer	Pennsylvania	116.66⅔

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION, DECEMBER 1, 1906—Continued.

Name.	Office.	Whence appointed.	Salary per month.
Silas C. Robb	Clerk	Kansas	$116.66⅔
James S. Fitzhugh	do	Texas	116.66⅔
E. B. Elson	do	Nebraska	116.66⅔
Robert E. Lewis	do	District of Columbia	108.33⅓
Edward B. Blizzard	do	West Virginia	108.33⅓
John H. Tilton	do	New Jersey	108.33⅓
Louis W. Perkins	do	Louisiana	108.33⅓
Henry E. Kondrup	do	District of Columbia	108.33⅓
George O. Boal	do	Pennsylvania	108.33⅓
J. J. Lewis	do	Colorado	108.33⅓
Hart P. Grigsby	do	Kentucky	108.33⅓
Archibald H. Davis	do	North Carolina	108.33⅓
Charles H. Young	do	Missouri	108.33⅓
Samuel D. Sterne	do	Iowa	108.33⅓
Zeb. Vance Harris	do	North Carolina	108.33⅓
William R. England	do	Virginia	108.33⅓
George I. Thomas	do	Georgia	108.33⅓
John C. C. Patterson	do	Maryland	108.33⅓
William F. Craig	do	Pennsylvania	108.33⅓
George Q. Houlehan	do	Maine	108.33⅓
William C. Swain	do	District of Columbia	108.33⅓
Charles S. Rockwood	do	Massachusetts	108.33⅓
James R. Pipes	do	West Virginia	108.33⅓
John H. Anderson	do	Indiana	108.33⅓
Carlton R. Willett	do	Texas	108.33⅓
Eugene K. Guilford	do	District of Columbia	108.33⅓
Pearson F. Marsh	do	Ohio	108.33⅓
Leonard E. Schellberg	do	Hawaii	108.33⅓
Charles D. Drayton	do	South Carolina	108.33⅓
Frank C. Stratton	do	Kansas	108.33⅓
Ross D. Rynder	do	Pennsylvania	108.33⅓
Frederick P. Russell	do	Massachusetts	108.33⅓
John B. Lybrook	do	Virginia	100.00
Walter W. Scott	do	do	100.00
Fontaine L. Carswell	do	Georgia	100.00
Bennet C. Taliaferro	do	Tennessee	100.00
Arthur F. Rudolph	do	South Dakota	100.00
William S. Hardesty	do	Indiana	100.00
John S. Copeland	do	Arkansas	100.00
W. J. Lester Sis	do	District of Columbia	100.00
George Stevens	do	Colorado	100.00
Lorin C. Nelson	do	North Dakota	100.00
Andrew Denham	do	Florida	100.00
Richard F. De Lacy	do	New York	100.00
James H. Lewis	do	District of Columbia	100.00
Wilbur H. Peter	do	Tennessee	100.00
John C. Léger	do	Mississippi	100.00
Herman Felter	do	Kentucky	100.00
George A. Petteys	do	Illinois	100.00
Leroy Stafford Boyd	do	Louisiana	100.00
J. Chester Wilfong	do	Maryland	100.00
Calvin A. Mathes	do	Tennessee	91.66⅔

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION, DECEMBER 1, 1906—Continued.

Name.	Office.	Whence appointed.	Salary per month.
William A. Cox	Clerk	Tennessee	$91.66⅔
A. M. Hartsfield	do	Georgia	91.66⅔
Abram P. Worthington	do	Ohio	91.66⅔
Henry J. Conyngton	do	Texas	91.66⅔
Clare R. Hughes	do	Indian Territory	91.66⅔
T. Wingfield Bullock	do	Kentucky	91.66⅔
Laurence J. McGee	do	Maryland	91.66⅔
Robert S. Pierson	do	Hawaii	91.66⅔
J. Ward Eicher	do	Pennsylvania	91.66⅔
W. E. Baker	do	Iowa	91.66⅔
William J. Davis	do	District of Columbia	91.66⅔
Warren H. Wagner	do	Pennsylvania	91.66⅔
William G. Willige	do	District of Columbia	91.66⅔
C. W. Kendall	do	Colorado	83.33⅓
Charles F. Ford	Skilled laborer	New York	83.33⅓
Charles F. Fuller	Clerk	do	83.33⅓
Ira B. Conkling	do	Missouri	83.33⅓
Nelson B. Bell	do	Porto Rico	83.33⅓
Hampton W. Riley	do	do	83.33⅓
Archibald H. Morrow	do	Oregon	83.33⅓
Alvin S. Callahan	do	Texas	83.33⅓
Walter A. McMillan	do	South Carolina	83.33⅓
William T. Parrott	do	Georgia	83.33⅓
George B. Edwards	do	Porto Rico	83.33⅓
Paul E. Heuttner	do	Tennessee	83.33⅓
Claude E. Koss	do	District of Columbia	83.33⅓
Harry H. Little	do	Indian Territory	83.33⅓
William P. Bartel	do	Wisconsin	83.33⅓
Robert R. Brott	do	District of Columbia	83.33⅓
Thad. E. Ragsdale	do	Pennsylvania	83.33⅓
Frank E. Watson, jr	do	Wisconsin	75.00
Joseph S. Moss	do	Vermont	75.00
Edward Dillon	do	California	75.00
Charles M. Bardwell	do	Minnesota	75.00
George V. Lovering	do	Massachusetts	75.00
Frank W. White	do	Illinois	75.00
Ernest E. Briscoe	do	Montana	75.00
Paul L. Hallan	do	Michigan	75.00
James H. Andersen	do	Idaho	75.00
John C. Dyer	do	Ohio	75.00
Daniel J. Brown	do	North Carolina	75.00
Ralph Koontz	do	Ohio	75.00
Robert H. Turner	do	Virginia	75.00
Shirley N. Mills	do	Minnesota	75.00
Edwin C. Blanchard	do	Virginia	75.00
George E. Richards	do	Texas	75.00
Lawrence A. Pyle	do	Maryland	75.00
James S. Payne	do	Pennsylvania	75.00
Earl W. Wiseman	do	Texas	75.00
M. D. L. Harden	do	Kansas	70.00
Charles F. Forsyth	Skilled laborer	Iowa	70.00
Frank M. Hall	Messenger	Pennsylvania	60.00

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION, DECEMBER 1, 1906—Continued.

Name.	Office.	Whence appointed.	Salary per month.
John A. Lawless	Messenger	District of Columbia	$60.00
Daniel W. Moore	Watchman	Alabama	60.00
Henry Lavery	do	Ohio	60.00
Joshua A. Harmon	do	Mississippi	60.00
Marshall T. Hyer	Skilled laborer	Illinois	60.00
Edgar M. Ebert	Clerk	District of Columbia	60.00
Thomas H. Robinson	Classified laborer	do	50.00
John B. Switzer	Messenger	West Virginia	50.00
Henry Cissel	Foreman laborer	District of Columbia	45.00
James A. Dove	Laborer	do	45.00
William R. Brennan	Messenger boy	Wisconsin	40.00
Edgar Bittinger	do	Pennsylvania	40.00
Charles E. Cotterill	do	Michigan	40.00
Harry J. Barnholt	do	Pennsylvania	35.00
James P. O'Connor	do	District of Columbia	35.00
William J. Cady	do	Kentucky	35.00
Leon D. Lamb	do	Ohio	35.00
Cyril J. Stormont	do	District of Columbia	35.00
Raymond R. Cheshire	do	Georgia	35.00
William A. Kane	do	New Jersey	35.00
Harold A. Kluge	do	Pennsylvania	35.00
George T. Ward	Classified laborer	District of Columbia	40.00
Cary A. Johnson	Laborer	do	40.00
Robert H. Wilkinson	do	do	40.00
Nelson Arnold	do	North Carolina	40.00
Charles H. Fennell	do	do	40.00
Todd Mozee	do	Illinois	40.00
Daniel E. Brewer	do	Indiana	40.00
Frank A. Fisher	do	District of Columbia	35.00
Frederick Dockett	do	do	35.00
Daniel W. Brooks	do	do	35.00
Rollie Gooden	do	Virginia	35.00
W. C. Sanford	Temporary clerk	Michigan	100.00
Bronte A. Reynolds	do	Illinois	100.00
Richard G Taylor	do	Minnesota	75 00
Stacy H. Myers	do	District of Columbia	75 00
Ollie M. Butler	do	Texas	75 00
Robert S. Campbell	do	North Carolina	75.00
Sacks Bricker	do	District of Columbia	75 00
Edward F. Linkins	do	Virginia	75 00
Franklin E. Dove	Temporary laborer	District of Columbia	40.00
William J. Meyers	Special employee	Colorado	p.d 10.00
Wilfred P. Borland	Inspector clerk	Washington	125.00
J. W. Watson	Inspector	New York	125.00
Frank C. Smith	do	Michigan	125.00
Albert H. Hawley	do	New York	125.00
Richard R. Cullinane	do	Mississippi	125.00
W. R. Wright	do	Missouri	125.00
H. K. Swasey	do	Massachusetts	125.00
James E. Jones	do	Illinois	125 00
James J. Coutts	do	Ohio	125.00
C. F. Merrill	do	Wisconsin	125.00

LIST OF PERSONS EMPLOYED BY THE INTERSTATE COMMERCE COMMISSION, DECEMBER 1, 1906—Continued.

Name.	Office.	Whence appointed.	Salary per month.
Hiram W. Belnap	Inspector	Illinois	$125.00
George E. Starbird	do	do	125.00
James A. Lawson	do	Texas	125.00
John F. Ensign	do	Colorado	125.00
J. H. Stricklan	do	Minnesota	125.00
Burt C. Craig	do	New York	125.00
Austin F. Duffy	do	Pennsylvania	125.00
George B Winter	do	Utah	125.00
Elbridge L. Gibbs	do	Texas	125.00
Henry Kirch	do	New Mexico	125.00
Richmond F. Bingham	Clerk	New Hampshire	108.33⅓
John M. Gitterman	do	New York	100.00
Ulysses Butler	do	Pennsylvania	100.00
Morris H. Konigsberg	do	Georgia	75.00

APPENDIX B.

POINTS DECIDED BY THE COMMISSION DURING THE YEAR.

[Points Decided by the Commission during the Year.]

R. C. Brabham et al. *v.* The Atlantic Coast Line Railroad Company and The Charleston & Western Carolina Railway Company. (11 I. C. C. Rep., 464.)

Defendants' charge for passenger fare from Ellenton, S. C., to Augusta, Ga., 22 miles, is 80 cents, and from Jackson, S. C., to Augusta, 15 miles, 60 cents, and these fares are alleged to be unreasonable. The local passenger fares in South Carolina and Georgia are controlled by a maximum of 3 cents per mile fixed by State authority. The distance covered between the points mentioned is via the Charleston and Western Carolina Railway, the other defendant, the Atlantic Coast Line Railroad Company, having certain trackage rights over part of the other line. All fares collected by the Atlantic Coast Line Railroad Company for transportation between Ellenton or Jackson and Augusta are turned over to the Charleston and Western Carolina Railway Company. The financial condition of the Charleston and Western Carolina Railway Company is poor. The country along the line of this road, though long settled, is sparsely inhabited and the traffic is light. *Held:*

1. That the rates fixed by the State commissions of South Carolina and Georgia are presumptively reasonable, but such presumption is not conclusive, and the railroad companies are entitled to show the contrary in a case involving the rates on interstate traffic.
2. That a railroad company is entitled to a fair return upon the value of that which it employs for the public convenience, and that, in view of all the facts in this case, and previous decisions of the Commission cited, it is not apparent that the interstate passenger rates complained of are unreasonable.

Dewey Brothers Company *v.* Baltimore & Ohio Railroad Company; Chesapeake & Ohio Railway Company, and Atlantic Coast Line Railroad Company. (11 I. C. C. Rep., 475.)

3. Upon two carloads of hay shipped about May 8, 1902, from Pataskala, Ohio, one to Wilmington, N. C., and the other to Greenville, N. C., it appears that the Wilmington shipment was overcharged 1 cent per 100 pounds, and that on the Greenville shipment the rate under published tariffs should have been 30 cents per 100 pounds, instead of a higher rate claimed for the defense to have been 30½ cents and by the complainant to have been 36 cents, the proof not indicating definitely what was actually charged. *Held:* That the findings show a basis for adjustment and refund which should be made, and that the case be held open for further proof and order if that course should become necessary.
4. The circumstances and conditions governing hay traffic from Columbus and Pataskala, Ohio, appear to have been substantially dissimilar at a time when a lower rate from Columbus than from Pataskala to Greenville and Wilmington was in force, and complainant's demand for reparation based upon the rate then in force from Columbus is not sustained.

Dewey Brothers Company *v.* Baltimore & Ohio Railroad Company; Cincinnati, New Orleans & Texas Pacific Railway Company; Southern Railway Company, and Carolina & Northwestern Railway Company. (11 I. C. C. Rep., 481.)

Complainant shipped a carload of hay from Summit, Ohio, to Lenoir, N. C. Complainant claims that shipping instructions were given to route the car via "Strasburg Junction and Southern Railway." The defendant initial carrier denies this and asserts that instructions were given to route via "Cincinnati and Southern Railway," the route actually used. The rate was less via Strasburg than via Cincinnati. The complainant was unable to prove definitely the giving of instructions to route via Strasburg, but complainant and defendant both agree that shipping instructions were given. *Held:*

5. That if the carrier had, contrary to positive instructions from the shipper, routed the car by an indirect and expensive line instead of the direct and cheaper route, or had without any instructions sent the car by the longer route, so as to burden the shipper with needless expense, such action would be prima facie unjust and unreasonable, and without justification would constitute fair basis for an order of reparation.
6. That the giving of instructions relieves the carrier from any obligation to forward by the cheaper route, and in this case, where the testimony does not indicate what instructions were actually given, an order in favor of the complaining shipper can not be issued.

St. Louis Hay & Grain Company *v.* Illinois Central Railroad Company and The Mobile & Ohio Railroad Company. (11 I. C. C. Rep., 486.)

The service of defendants in handling reconsigned hay at and from East St. Louis is more expensive, as a general rule, if not invariably, than the service performed in case of shipments through East St. Louis, while the privilege of reconsigning hay from that point at a charge less than the established local rate is of substantial value to dealers in that city. *Held:*

7. The fact that through rates are less than the sum of in and out rates is not of itself a valid ground of objection, nor is it unlawful for defendants to maintain reconsignment rates which are higher in some cases than their proportions of through rates.
8. The fact that the reconsignment rate is sometimes the same as the proportion of the through rate does not warrant an inference of illegal conduct or support a charge of unjust discrimination.

George J. Kindel *v.* Boston & Albany Railroad Company; New York, New Haven & Hartford Railroad Company; New York Central & Hudson River Railroad Company; Baltimore & Ohio Railroad Company; Pennsylvania Railroad Company; Pittsburg, Cincinnati, Chicago & St. Louis Railway Company; Pennsylvania Company; Lake Shore & Michigan Southern Railway Company; Michigan Central Railroad Company; Erie Railroad Company; Chicago, Burlington & Quincy Railway Company; Chicago & Northwestern Railway Company; Chicago, Milwaukee & St. Paul Railway Company; Atchison, Topeka & Santa Fe Railway Company; Denver & Rio Grande Railroad Company; Rio Grande Western Railway Company; Southern Pacific Company; Union Pacific Railroad Company, and Wabash Railroad Company. (11 I. C. C. Rep., 495.)

9. The fact that a carload rating has been established on cotton piece goods from the East to Pacific coast points because of water competition, and the fact that duck and denims have been given carload rates to Salt Lake City and Denver to encourage manufacturing industries at those points, while elsewhere throughout the country the rate on cotton piece goods is the same for any quantity, do not indicate that the action of defendants in denying a carload rating on tickings, drills, and sheetings to Denver is unlawful.

Defendants' rates per 100 pounds on cotton piece goods in less than carloads from New York, Boston, and other eastern points are $2.24 to Denver and $1.50 to San Francisco. The charge to Denver is a combination of rates from the point of shipment to the Mississippi River, Mississippi River to Missouri River, and Missouri River to Denver. From New York to Chicago, from Chicago to Denver, and from St. Louis to Denver for a long period of years cotton piece goods have been given rates substantially below the rates on first-class articles, and throughout the United States greater or less differentials on cotton piece goods under first class have been maintained with one notable exception, namely, from Missouri River points to Denver. Transcontinental rates from eastern points to San Francisco are made in competition with water rates, and are in no sense a measure of the value of the service; but that situation does not justify the carriage of goods to San Francisco at a loss, thereby placing additional burdens on other traffic. The rate of $1.50 on cotton piece goods from the East to San Francisco, about 3,400 miles, is assumed to cover the actual cost of the service, and that rate for the 1,400 to 1,600 miles less distance to Denver, and saving the haul of that distance over mountain ranges, where fuel and labor are counted more expensive, is found to be reasonable for the transportation from New York, Boston, and other eastern points to Denver. Under the present combination rate to Denver no reduction from local charges is made on account of the through haul of 2,000 miles. Such application of combined local charges to a long-distance shipment places a wrongful burden upon the shipper. The exaction of

first-class rates on cotton piece goods between Missouri River points and Denver, in view of the long-prevailing differentials in other parts of the country and other existing conditions, is unjust and unreasonable. *Held:*

10. That the result of the excessive rate on cotton piece goods between the Missouri River and Denver and the application of full locals in making up the through combination rate from New York, Boston, and other eastern points taking the same rates to Denver is to make the through rate excessive, and that such through rate to Denver to be reasonable should not exceed $1.50 per 100 pounds.

George J. Kindel *v.* New York, New Haven & Hartford Railroad Company; Erie Railroad Company; and Chicago, Burlington & Quincy Railway Company. (11 I. C. C. Rep., 514.)

11. The question of regulation involved in this case is decided in the foregoing case of Kindel *v.* Boston and Albany Railroad Company et al. For reasons stated, reparation denied.

M. Newman *v.* New York Central & Hudson River Railroad Company; Lake Shore & Michigan Southern Railway Company; Michigan Central Railroad Company; Pennsylvania Railroad Company; Pennsylvania Company; Pittsburg, Cincinnati, Chicago & St. Louis Railway Company; Erie Railroad Company; Baltimore & Ohio Railroad Company; Cleveland, Cincinnati, Chicago & St. Louis Railway Company; Baltimore & Ohio Southwestern Railroad Company, and Wabash Railroad Company. (11 I. C. C. Rep., 517.)

12. Defendants have classified leather scraps in less than carloads as third class since 1887, but in January, 1894, they limited such classification to scrap refuse from the manufacture of leather goods, and excluded strips or pieces cut from hide leather, and in January, 1905, such limitation was superseded in defendants' freight classification by the words "this rating will apply only upon scraps not available in the manufacture of leather goods." All leather scrap purchased by complainant contains leather pieces which can be used in the manufacture of leather goods, and the sole purpose of complainant in purchasing such leather scrap is to separate such pieces and sell them to persons having use for the various sizes and kinds. The effect of the new rule was to advance complainant's commodity from third to second class, which is the rating prescribed by defendants for leather. *Held:* That a third-class rating for leather scraps in less than carloads is sufficiently high, and that defendants' present classification and rating of that traffic is unjust and unreasonable.

Griffin Grocery Company *v.* Southern Railway Company and The Central of Georgia Railway Company. (11 I. C. C. Rep., 522.)

Upon complaint of alleged unjustly higher freight rates from Chicago and St. Louis to Griffin, Ga., than to Macon, Americus, Albany, or Dawson, Ga., it appeared that the three last-named cities are situated at considerable distances from Griffin; that while Griffin pays higher rates than those in force to such cities, there is no competition between them and Griffin for trade in common territory, and that Griffin's real difficulty is in the relation of rates to that point and Macon and Atlanta, between which points Griffin is located, and which enjoy much lower rates than either Americus, Albany, or Dawson. The rates from New Orleans are for a longer distance to Griffin than to Americus, Albany, or Dawson. Competition creates dissimilarity of circumstances and conditions affecting the transportation of traffic from the points of shipment mentioned to Macon and Griffin. *Held:*

13. That under the construction of the law as announced by the courts, no undue prejudice against Griffin, or violation of the long and short haul clause, is shown in this case; and while the practice of making rates to Griffin by combining rates to Atlanta with local rates therefrom to Griffin may result in unreasonable charges, the evidence in this case is insufficient upon which to base a conclusion in that respect.

W. Scheidel & Co. *v.* Chicago and Northwestern Railway Company and Union Pacific Railroad Company. (11 I. C. C. Rep., 532.)

The "Scheidel outfit" is an electrical apparatus consisting of a so-called Ruhmkorff coil, an interrupter, a small rheostat, and two switches, fitted to a strong table. The parts are detachable and are shipped in separate boxed

packages, except the table, which is crated. This outfit, which transforms an electrical current of low voltage into one of extremely high voltage, is used in medical and scientific work, including the use of the X ray, and also in wireless telegraphy and in chemical works. The Western Classification places X-ray apparatus and scientific or medical instruments in double first class, and electrical apparatus, n. o. s., in first class. Complainant contends that their outfit should be treated as an ordinary electrical appliance and carried at first-class rates. *Held:*

14. That under conditions now governing the manufacture and use of complainant's outfit, such outfit is properly classified by defendants with the X ray and medical or scientific apparatus as double first class, and is not entitled to a first-class rating with dynamos, transformers, and other electrical machinery; but no opinion is expressed upon the justice of the first-class rate for such machinery.

S. J. & S. Cannon *v.* Mobile and Ohio Railroad Company. (11 I. C. C. Rep., 537.)

15. In the adjustment of rates as between places on its line, a carrier can not rightfully ignore the relative cost of the respective services, but there are other matters equal in importance to that of the cost of service, and often more controlling, which must also be considered, and this includes competition of carriers and competition of markets.

16. It is competent to compare rates and distances on different roads in dealing with an alleged unreasonable rate, and these are to be considered in connection with the many other factors that enter into the adjustment of rates; but it does not necessarily follow that a rate is unreasonable because on the same or another road a particular kind of traffic is hauled a greater distance from a different point of origin at the same or a less rate.

17. Rates on flour from Louisville and Evansville by the Southern Railway to Berry, Ala., on the line of the Southern, and by the Southern and Mobile and Ohio to Gordo, Ala., on the line of the Mobile and Ohio, are less than those of the Mobile and Ohio from Ava and Cairo, Ill., to Gordo. The rate by the Southern from St. Louis to Gordo is the same as that of the Mobile and Ohio from St. Louis and Ava, although the distance by the former is about twice that from Ava by the latter, and much greater than that from St. Louis by the Mobile and Ohio. *Held:* That these facts do not warrant a conclusion that the flour rates from St. Louis, Ava, and Cairo to Gordo are unreasonable.

18. Defendant's published tariffs to various points in Alabama, including Gordo, as well as those of the Louisville and Nashville, Southern, and Illinois Central, to some points in Alabama, show in some instances charges per barrel of flour considerably less than double the rate per 100 pounds in sacks, while in other cases, as in the instance of Gordo, the barrel rate is materially in excess of double the rate per 100 pounds in sacks, and this notwithstanding the weight of a barrel of flour is substantially double the weight of flour as shipped in sacks. The rates on sack flour are commodity rates, and the evidence leads to the inference that shipments of flour in barrels would be given double the rate on flour in sacks, although this may not correspond to the actual published rate on flour in barrels. *Held:*

That it is manifestly contrary to law, and leads to confusion, for one line of rates to be retained in published tariffs while others are in fact used on actual shipments, and that so long as carriers in southern classification territory deem it necessary to retain class F in their classifications and publish rates applicable thereto, including flour in barrels, and at the same time publish commodity rates on the same article carried in sacks, there should be uniformly a just relation in such rates. Case retained with respect to the rates in question on flour shipped in barrels, unless same are changed to conform relatively to those applied to shipments in sacks.

F. J. Hoerr *v.* Chicago, Milwaukee and St. Paul Railway Company. (11 I. C. C. Rep., 547.)

In October, 1902, complainant shipped over defendant's road and connections a carload of potatoes from Good Thunder, Minn., to Washington, D. C., on which the rate was 46 cents per 100 pounds, and another carload of potatoes from Mankato, Minn., to Scranton, Pa., on which the rate was 50.2 cents per 100 pounds. As there was no through rates in force, the Good Thunder shipment was moved at the combination of the published rates

to and from Chicago, and upon the Mankato shipment there was $13.39 overcharge above the published combination rate of 47 cents. In 1889 the "Soo Line" put in through rates on potatoes from St. Paul and Minneapolis to New York, Philadelphia, and Boston, of 40 cents per 100 pounds, which were met by the American lines. The "Soo Line" kept the rate in force until April, 1898, when it was withdrawn, and in June, 1898, all lines, including the "Soo Line," put in force rates of 37 cents to New York, 40 cents to Boston, 35 cents to Philadelphia, and 34 cents to Baltimore. These rates were not effective from Mankato or from Good Thunder, the first station south of Mankato. By most lines the St. Paul and Minneapolis rates to the eastern points mentioned applied as maximum rates to intermediate points. From September, 1900, to April, 1903, the Chicago Great Western had in force a rate on potatoes from Mankato to eastern seaboard destinations 2 cents higher than from St. Paul, and apparently this rate was also used over the Chicago and Northwestern line. Complainant can not handle potatoes at Mankato or Good Thunder for these eastern shipments under the Chicago rate combination. At the time of the shipments above specified complainant was shipping over the Great Western and Northwestern at 2 cents above the St. Paul rate. Though the through rates from St. Paul are the result of competition, they have been long in force as normal rates, are reasonable and just, and as high as could properly be applied to this traffic. *Held:*

19. That defendant's rates on potatoes in carloads from Mankato and Good Thunder to Washington, Scranton, and other eastern destinations are unreasonable and unjust and that the St. Paul rate may also be used, for the purposes of this case, as a standard of comparison.
20. That reasonable and just rates on potatoes in carloads from Mankato and Good Thunder to Washington and Scranton would be 39 cents to Scranton and 38 cents to Washington, and said rates would be 4 cents above the rates from St. Paul; and defendant is also recommended to put in corresponding rates from Mankato and Good Thunder to the various eastern destinations.
21. That complainant is entitled to reparation for excessive rates on the shipments in question.

Fred G. Clark Company *v.* Lake Shore and Michigan Southern Railway Company; New York Central and Hudson River Railroad Company; Lehigh Valley Railroad Company; Delaware and Hudson Company; Boston and Maine Railroad; and New York, New Haven and Hartford Railroad Company.

Waverly Oil Works *v.* Pennsylvania Railroad Company; Delaware and Hudson Company; Boston and Albany Railroad Company; and New York, New Haven and Hartford Railroad Company. (11 I. C. C. Rep., 558.)

22. The New York, New Haven and Hartford Railroad Company, called the New Haven Company, refuses to make and maintain joint through rates on petroleum and its products from Cleveland, Ohio; Pittsburg, Pa., and other points in Pennsylvania and Ohio to points reached by its line in New England and on all such traffic insists upon exacting the local charges from junction points with other carriers to the various destinations. The New Haven Company does participate in through rates to New England points on other traffic generally. Ordinarily the rate to Boston applies to points in Massachusetts and Connecticut, including junction points with the New Haven Company, and it results that its refusal to join in through rates on petroleum and its products operates to increase the rate by the amount of its local charge. The Standard Oil Company, brings crude oil by pipe line to its seaboard refineries and sends the refined oil and the products by tank steamers to distributing stations at Wilson Point, Conn., and India Point, R. I., and also has distributing stations at New London, Conn., and East Boston, Mass. From the distributing stations the oil and products are shipped out locally to interior points. Independent shippers, like complainants, are obliged to send shipments by rail to the same destinations. The combination rates on petroleum and its products from Cleveland and Pittsburg to points reached by the New Haven Company, result in unreasonable and unjust rates. The refusal of the New Haven Company to consent to and participate in through rates on that traffic is unjust and unreasonable, and the situation is such as to operate greatly to the advantage of the Standard Oil Company. There is no competitive relation between petroleum and its products on the one hand and other articles of traffic on the other, and the

failure of the New Haven Company to provide joint rates on petroleum and its products, while maintaining joint rates on other traffic, does not constitute wrongful preference or advantage. The act to regulate commerce does not authorize the Commission to compel the establishment of joint rates by connecting carriers, nor to prescribe the divisions of joint rates or the conditions of interchange in case the connecting carriers fail to agree in respect thereto; and it follows, notwithstanding the combination rates complained of are unjust and unreasonable and the general shipping situation is such as to work a practical monopoly in favor of the Standard Oil Company, that relief can not be afforded by the Commission, and the complaint must be dismissed.

National Machinery and Wrecking Company *v.* Pittsburg, Cincinnati, Chicago and St. Louis Railway Company; Cleveland, Akron and Columbus Railway Company; Pennsylvania Company; Pennsylvania Railroad Company; Erie Railroad Company; Baltimore and Ohio Railroad Company; and Lake Shore and Michigan Southern Railway Company. (11 I. C. C. Rep., 581.)

23. Whether the rate on a second-hand dynamo shipped from the electric light station to the repair shop should be lower than is charged upon either a new or second-hand dynamo sent to the station for use, is a question of policy for the railways, and this Commission can not say that it is unjust or unreasonable to exact the same charge for the new and the second-hand dynamo.

24. Old dynamos which have become merely combinations of copper, brass, and iron scrap and valuable only as junk should, under suitable regulations fixed by the carrier, be given the rating for junk, basing the same on the highest class metal used in the construction.

In the matter of alleged unlawful discrimination against the Enterprise Transportation Company by railroad lines leading from New York City. (11 I. C. C. Rep., 587.)

25. Railroad lines leading west from New York City make joint through rates with the New England Navigation Company, controlling the Fall River line of steamers, which plies between New York and Fall River, Mass., and some other New England cities, and also controlling other important steamer lines operating on Long Island Sound. Such joint rates apply in both directions between Western and New England points. The New England Navigation Company is owned and operated by the New York, New Haven and Hartford Railroad Company. The rail lines centering in New York and running westerly thereof refuse, for stated business reasons, to make the like or any joint rating arrangement with the Enterprise Transportation Company, a steamship line plying between Fall River and other New England points and New York City, and in competition with the New England Navigation Company's Fall River line. This Fall River line may, by reducing rates on local traffic, force out of business the Enterprise Transportation Company, while obtaining a lucrative and supporting business from through traffic, and upon disappearance of such competition restore the former charges. The existence of the Enterprise Transportation Company as a competitive factor is of distinct value to the public, and that existence may depend upon its right to engage in through business. This investigation was made with the understanding that the Commission is without power to grant any relief, and no opinion as to whether the through routing arrangement should be extended to the Enterprise Company is expressed; but if the public is to have the legitimate benefit of water competition, it is evident that authority should be provided to establish through routes between rail and water carriers, or at least to prevent unjust discrimination by rail carriers between connecting water lines.

J. W. Moran & Son *v.* Missouri Pacific Railway Company and the St. Louis, Iron Mountain and Southern Railway Company. (11 I. C. C. Rep., 598.)

26. Complainant shipped two carloads of flour from Lamar, Mo., to Hope, Ark., by the St. Louis and San Francisco Railroad in December, 1903, under a milling-in-transit rate from Pennsboro and Everton, the same rate applying from Lamar, Pennsboro, and Everton to Little Rock, Ark., and from that point the flour was carried by the St. Louis, Iron Mountain and Southern Railway to Hope under the rate in force between those points applying

on interstate shipments. This rate from Little Rock to Hope was 42 cents per 100 pounds for a distance of 112 miles, and is the subject of complaint. The Arkansas commission rate in force on State traffic from Little Rock to Hope is 11 cents. The Missouri Pacific and the St. Louis, Iron Mountain and Southern had in effect a through rate from Lamar to Hope of 28 cents, and to this must be added a $3 per car switching charge from complainant's mill to the Missouri Pacific tracks in Lamar. The rate by the Missouri Pacific line from Lamar to Little Rock was 20 cents, the same as the rate by the St. Louis and San Francisco and its connecting line. Defendants subsequently reduced the charge on these carloads of flour from Little Rock to Hope from 42 to 24 cents per 100 pounds, refunding, substantially, the difference to complainant, and finally offered to reduce to the basis of a 19-cent rate applying from Memphis through Little Rock to Hope, which the tariff specified as the maximum charge between intermediate stations, but such offer of settlement was declined by complainant. This Memphis rate has since been increased to 20 cents. Upon all the facts and circumstances, *Held*, That the rate of 42 cents for this service between Little Rock and Hope on interstate shipments of flour was grossly unreasonable; that the rate of 19 cents was, and the rate of 20 cents is, as applied to such service, unreasonable and unjust, and that a reasonable and just rate therefor would be 11 cents per 100 pounds. Complainant awarded reparation.

Planters' Compress Company *v.* Missouri, Kansas and Texas Railway Company and Missouri, Kansas and Texas Railway Company of Texas. (11 I. C. C. Rep., 606.)

27. The application by defendants of uniform rates on cotton in any quantity and their refusal to concede lower rates based upon car loadings was not in violation of the regulating statute. Planters' Compress Co. *v.* Cleveland, Cincinnati, Chicago and St. Louis Railway Company. 11 I. C. C. Rep., 382, cited and applied.

J. J. Marley & Son *v.* Norfolk and Western Railway Company; Hocking Valley Railway Company, and Lake Erie and Western Railroad Company. (11 I. C. C. Rep., 616.)

28. There are two routes over which coal may be shipped from the Thacker district in West Virginia to Alexandria, Ind., one by the Norfolk and Western and Cleveland, Cincinnati, Chicago and St. Louis, the shorter line, and one by the Norfolk and Western, Hocking Valley, and Lake Erie and Western. Complainants in 1903 had shipped to them at Alexandria, Ind., 8 carloads of coal from the Thacker district, West Virginia, over the latter route, and by that line the published rate was $1.90 per ton, while over the other route the rate was $1.65 per ton. November 26, 1903, the rate by the route used was reduced to $1.65, and later the other line lowered its rate to $1.55. Complainants, acting on behalf of the consignor, demanded reparation. The evidence relates solely to the rate itself, and the fact that a lower rate was in force over a competing short line. *Held:* That the rate charged is not shown to have been unreasonable, and that in view of their published tariff the carriers in the through line over which the coal was carried could not lawfully apply the lower rate in effect over the competing line.

James E. Eaton *v.* Cincinnati, Hamilton and Dayton Railway Company. (11 I. C. C. Rep., 619.)

29. In September, October, and November, 1905, defendant unjustly discriminated in furnishing cars for hay and grain shipments against the complainant and in favor of other shippers including the operators of an elevator. Complainant awarded reparation in the sum of $200.

Isaac Weil and Abraham Weil, doing business under the firm name of Weil Brothers & Co., *v.* Pennsylvania Railroad Company; Pennsylvania Company, and Pittsburgh, Fort Wayne and Chicago Railway Company. (11 I. C. C. Rep., 627.)

30. Upon complaint that a rate of 62 cents per 100 pounds on "wool in the grease" from Philadelphia, Pa., to Fort Wayne, Ind., is unreasonable and also unjust in comparison with a rate on the same commodity of 43 cents eastbound from Fort Wayne to Philadelphia. *Held*, upon the evidence as presented, that the 62-cent westbound rate is not shown to be unreasonable or unjust and that the complaint should be dismissed.

J. K. Farrar, H. B. Farrar, and F. F. Farrar, doing business under the name of The Farrar Lumber Company, *v.* Southern Railway Company; Cincinnati, New Orleans and Texas Pacific Railway Company; Nashville, Chattanooga and St. Louis Railway Company, and Louisville and Nashville Railroad Company. (11 I. C. C. Rep., 632.)

31. The rate on pine lumber from southern Georgia points to Chattanooga, Tenn., is 2 cents per 100 pounds higher than to Dalton, Ga., but on shipments to Cincinnati, Ohio, Chattanooga takes a 2-cent lower rate than Dalton. There is also a dressing-in-transit privilege at Dalton, for which 2 cents per 100 pounds additional are charged. The lumber shipped out of Chattanooga is mostly hard wood, the southern pine lumber brought to that point being practically consumed there. *Held*, upon complaint against the rate from Dalton, that under all the circumstances the lumber rate from Dalton to Cincinnati is not so discriminative nor exorbitant as to justify disturbance at this time. *Held further*, that the reasons existing for lower lumber rates from the southern pineries do not apply to the reshipment of dressed lumber from Dalton.
32. Cleveland and Charleston, Tenn., take the Chattanooga rate on lumber to Cincinnati, but the conditions at those points are not the same as at Dalton, and no wrongful discrimination results from the existing adjustment of rates.

J. K. Farrar, H. B. Farrar, and F. F. Farrar, doing business under the firm name of The Farrar Lumber Company, *v.* Southern Railway Company and Norfolk and Western Railway Company. (11 I. C. C. Rep., 640.)

33. Upon complaint that lumber rates from Dalton, Ga., to points in Virginia on the Norfolk and Western lines between Bristol, Tenn., and Roanoke, Va., and between Bluefield, W. Va., and Kenova, W. Va., which were advanced in 1901 and 1903, are unreasonable and unduly discriminating, and also in violation of the long and short haul clause because the rates to such intermediate points are higher than for the longer distances to Roanoke or Lynchburg. *Held*, that in view of judicial interpretations of the act, the facts in this case furnish no basis for a conclusion that the rates in question violate the fourth section of the law; but the rates to such intermediate points, of which complaint is made, are excessive, unreasonable, and unjust, and should not exceed those in force before the advances were made effective.
34. The rate per ton per mile is not always the measure of a reasonable rate, as that measure rigidly applied would make distance alone the gauge for transportation charges; but it affords a valuable basis of comparison for relative rate burdens.
35. Reparation denied because of insufficient proofs.

A. H. Davenport, J. A. Davenport, G. A. Davenport, and J. T. Davenport, doing business under the firm name of Davenport Brothers & Company, *v.* Southern Railway Company and Seaboard Air Line Railway. (11 I. C. C. Rep., 650.)

36. Upon complaint that defendants violate the act to regulate commerce by charging higher rates on canned goods, grain, flour, hay, and packing-house products from Cincinnati, Ohio, and Memphis, Tenn., to Helena and McRae, Ga., then to Cordele and Fitzgerald, Ga., towns in the section of country surrounding Helena and McRae, after giving due consideration to the circumstances and conditions, including situation of localities, railway competition, competition of markets, and the basing-point system of rate making as practiced in the South. *Held*, that upon the record made in this case the situation of Helena and McRae is not so similar to that of Cordele as to require the application of Cordele rates to the first-named places, but that the rates in question from Cincinnati and Memphis to Helena and McRae are unreasonable and unjust and should not exceed those now in effect to Fitzgerald from such points of origin.

A. J. Phillips Company *v.* Grand Trunk Western Railway Company; Detroit, Grand Haven and Milwaukee Railway Company, and Central Vermont Railway Company. (11 I. C. C. Rep., 659.)

37. Upon complaint that the rates on wire-screen doors and windows eastbound from Fenton, Mich., a place near Detroit, to Winooski, Vt., and certain other eastern points, are higher than the rates on such articles westbound from Winooski to Detroit, and certain other western points, and result in unreasonable rates and unjust discrimination against such eastbound shipments. *Held:* That somewhat lower rates on westbound than on eastbound traffic seems, from the difference in conditions, to be justified; but no satis-

factory reason appears why there should be a greater disparity between the rates on the traffic in question eastbound and westbound than that which prevails on articles of substantially the same character in the classes.

38. In unjust discrimination cases the difference in cost of manufacture to the competing shippers offers no ground of itself to the carriers nor to the Commission for adjustment of rates.

39. Case retained with the expectation that the defendants will make a substantial readjustment of the rates in accordance with the views expressed in the opinion.

Menasha Wooden Ware Company *v.* Atchison, Topeka and Santa Fe Railway Company; Chicago, Burlington and Quincy Railway Company; Canadian Pacific Railway Company; Chicago, Rock Island and Pacific Railway Company; Colorado Midland Railway Company; Colorado and Southern Railway Company; Denver and, Rio Grande Railroad Company; Great Northern Railway Company; Minneapolis, St. Paul and Sault Ste. Marie Railway Company; Missouri Pacific Railway Company; Northern Pacific Railway Company; Oregon Railroad and Navigation Company; Oregon Short Line Railroad Company, and Union Pacific Railroad Company. (11 I. C. C. Rep., 666.)

40. It appears that defendants' rates on woodenware are higher from Menasha, Wis., to north Pacific coast terminal points than from such Pacific coast terminals to Missouri River and Mississippi River points and to Chicago common points, including Menasha. Upon complaint that such rate adjustment results in unreasonable rates from Menasha and undue preference to Pacific coast woodenware shipments, *Held:* (1) That there is no sufficient basis in the record for a conclusion that the rates involved are unreasonably excessive; (2) that existing disparities in the rates eastbound and westbound on the traffic in question constitute undue discrimination against complainant, but this record furnishes no sufficient basis for such specific order respecting the exact adjustment of the rates on the different articles involved that would fulfill the requirements of the law as to justice and equality; and (3) that no order will be made at this time, but it is expected that defendants will so readjust the rates as to remove the undue discrimination.

Hastings Malting Company *v.* Chicago, Milwaukee and St. Paul Railway Company. (11 I. C. C. Rep., 675.)

41. Defendant's rate on anthracite coal from Superior, Wis., to Hastings, Minn., is $1.75 per net ton; on bituminous coal, $1.40 per net ton; whereas its rates from Superior to Afton, Minn., the traffic passing through Hastings, are $1.40 per net ton on anthracite and $1.05 on bituminous coal. *Held,* (*a*) That the third and fourth sections of the act are not violated, because competitive conditions exist at Afton which prevent the maintenance of higher coal rates than those now in effect; (*b*) that such coal rates to Hastings are unreasonably high and should not exceed $1.50 per net ton on anthracite and $1.25 per net ton on bituminous coal; (*c*) that as the Commission has not now authority to fix rates of defendant, no order will be made.

42. As Duluth, Minn., has the same coal rates to Hastings as Superior, Wis., the railroad commission of Minnesota has ample authority to control the situation, and complainant should first apply to that commission.

43. It may often happen that a single rate out of an entire system of rates may, when examined by itself, appear to be unreasonable, even though, when considered as a part of the whole system, it is justifiable. To reduce this single rate would perhaps disarrange the entire system of rates in effect, and in a case of this sort the Commission does not feel that it should interfere until strong reasons for such interference are presented.

Village of Goodhue *v.* Chicago Great Western Railway Company (11 I. C. C. Rep., 683.)

44. Defendant by charging a rate on grain of 15 cents per 100 pounds from Goodhue, Minn., to Chicago, Ill., while it charges only 12½ cents per 100 pounds from Red Wing, Minn., to Chicago, 14 miles farther off, the traffic passing through Goodhue, does not in this case violate the fourth section of the act, because substantial dissimilarity of circumstances and conditions exist between Goodhue and Red Wing. Neither does such rate adjustment violate the third section, as the discrimination was not shown to be undue. Decision of the United States Supreme Court in E. T. V. & G. Ry. Co. *v.* I. C. C., 181 U. S., 1, cited.

45. No opinion should be expressed upon the reasonableness of the 15-cent rate from Goodhue, as the present record is too meager; but in dismissing

complaint it is done without prejudice to right of complainant to put in issue the reasonableness of such rate by subsequent proceedings.

Pine Island Farmers' Elevator Company *v.* Chicago Great Western Railway Company. (11 I. C. C. Rep., 687.)

46. Upon the conclusions announced in the preceding case, Village of Goodhue *v.* Chicago Great Western Railway Company (1 I. C. C. Rep., 683), the complaint in this case should be dismissed without prejudice.

C. R. Cutter *v.* Atchison, Topeka and Santa Fe Railway Company; Chicago, Milwaukee and St. Paul Railway Company; and Chicago and Northwestern Railway Company. (11 I. C. C. Rep., 689.)

47. Complainant shipped 13 carloads of beer between January 20, 1901, and March 4, 1902, as through shipments over defendants' lines, from Milwaukee, Wis., to Woodward, Okla., upon 8 carloads of which he was charged a rate of 73 cents per 100 pounds, and upon 5 carloads 75 cents; whereas during the time of such shipments defendants' rates on beer from Milwaukee to Oklahoma City, Okla., more distant than Woodward, were only 53 cents per 100 pounds. It appears that the rate to Woodward was 53 cents in 1892 and up to March 1, 1899, while the rate to Oklahoma City was 76 cents in 1892, which was reduced in 1893 to 53 cents, and so continued to 1899; and it also appears that on April 9, 1902, defendants reduced such rates to Woodward to 53 cents, where they have ever since remained. The history of the rates on beer to Woodward, Oklahoma City, and other points in that section of country stated. Upon all the facts and circumstances, *Held*, That the rates charged upon complainant's shipments were unjust, and unreasonable to the extent of $715.05, and that complainant is entitled to reparation in that amount.

Cattle Raisers' Association of Texas, complainant, and the Chicago Live Stock Exchange, intervener, *v.* Chicago, Burlington and Quincy Railway Company et al.

48. In this case final order was entered by the Commission November 16, 1905, but has not been obeyed by defendant carriers. Complainant's petition to set aside such order and reopen the case for further proceedings, with a view to decision and order under the act of June 29, 1906, denied.

Cattle Raisers' Association of Texas *v.* Missouri, Kansas and Texas Railway Company et al.

49. This case was decided in favor of complainant August 16, 1905. Subsequently complainant's motion for additional and more specific findings was granted, and the case again taken under advisement. The act to regulate commerce was amended June 29, 1906, and thereafter complainant filed its petition praying in substance that the Commission proceed in the case with a view to making an order therein under the new fifteenth section in said act. The new section 15 confers upon the Commission power to enforce what has always been required in the statute—namely, just and reasonable rates—by the application of a new remedy, and, as applied to cases like this, in that way alone has the jurisdiction of the Commission been enlarged. The new section provides as conditions that there shall be formal complaint and full hearing. Both of these prerequisites have been practically complied with in this proceeding, but both complainant and defendants should have leave to submit whatever additional testimony they desire; and thereupon it is not only the right but the imperative duty of this Commission to make an order for or against the defendants under the new fifteenth section. To hold otherwise, this case and many others in which large sums of money and much time have been expended must fail, since the old section is superseded by the new, and the amending act contains no provision continuing the old section in force as to cases previously brought before the Commission; the law should not be so interpreted in the absence of explicit provision to that effect. Case set down for further hearing, reexamination of the whole record by the Commission, and procedure under the new fifteenth section.

Complaint of Illinois Central Railroad Company, as set forth in statement of J. C. Stubbs, chairman committee of western lines.

50. Land and immigration agents, unless they are bona fide and actual employees of carriers subject to the act to regulate commerce, are not within the excepted classes specified in that statute, and providing transportation for such agents free or at reduced rates over lines of such carriers is, and since the act was originally passed has been, unlawful. Ruling in Tariff Circular No. 5–A reaffirmed.

INDEX TO POINTS DECIDED BY THE COMMISSION DURING THE YEAR.

[The numbers refer to the corresponding headnotes. For example: The number 2, found under the head of Cost of Carriage in this index, refers to the paragraph of that number in the foregoing statement of Points Decided by the Commission During the Year.]

APPENDIX C.

A. FORMAL PROCEEDINGS INSTITUTED BEFORE THE COMMISSION DURING THE YEAR.

B. INFORMAL COMPLAINTS FILED WITH THE COMMISSION DURING THE YEAR.

A.—FORMAL PROCEEDINGS INSTITUTED BEFORE THE COMMISSION DURING THE YEAR.

855. Fisk Rubber Company *v.* Pennsylvania Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on solid rubber tires in packages, and bicycle single-tube and double-tube types of rubber tires, crated or boxed, in less than carloads.
December 4, 1905. Complaint filed.
January 9, 1906. Order of discontinuance entered.

856. Donohoe Coke Company *v.* Pennsylvania Railroad Company and others.
Violation of section 3 in the distribution of cars for the shipment of coal from mines on the Alexandria branch of said defendant carrier.
December 6, 1905. Complaint filed.
January 10 to 15, 1906. Answers filed.
September 24, 1906. Case indefinitely postponed.

857. National Machinery and Wrecking Company *v.* Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and others.
Violation of sections 1, 2, and 3 in rate on second-hand dynamos from Marietta, Ga., to Cleveland, Ohio.
December 20, 1905. Complaint filed.
January 9 to February 16, 1906. Answers filed.
February 20, 1906. Hearing.
March 17, 1906. Brief filed.
March 23, 1906. Report and opinion filed.

858. Fisk Rubber Company *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, and 3 in rates on bicycle tires and inner tubes, pneumatic, and tires, carriage or buggy, pneumatic.
December 22, 1905. Complaint filed.
January 12 to February 26, 1906. Answers filed.
January 19, 1906. Intervening petition filed.
April 8, 1906. Case indefinitely postponed.
May 28, 1906. Order of discontinuance entered. Complaint satisfied.

859. Fort Smith Traffic Bureau *v.* Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and others.
Violation of sections 1, 2, and 3 in rates on pressed glassware, including tableware, lamps, and lamp chimneys, from Pittsburg, Pa., and Gas City, Ind., to Fort Smith and other points in Arkansas.
January 11, 1906. Complaint filed.
February 1 to 21. Answers filed.
November 5, 1906. Order of discontinuance entered. Complaint satisfied.

860. Village of Goodhue *v.* Chicago Great Western Railway Company.
Violation of sections 1, 2, 3, and 4 in rates on wheat and barley to Chicago for the shorter distance from Goodhue than for the longer distance over the same line and in the same direction from Red Wing, and milling-in-transit rates on wheat and malting-in-transit rates on barley from Minneapolis and St. Paul to Chicago.
January 23, 1906. Complaint filed.
February 10, 1906. Answer filed.
May 7, 1906. Hearing.
August 23, 1906. Report and opinion filed.
August 23, 1906. Order of dismissal entered.

861. Hastings Malting Company *v.* Chicago, Milwaukee and St. Paul Railway Company.
Violation of sections 1, 2, 3, and 4 in rates on hard and soft coal from Superior, Wis., to Hastings, Minn., as compared with rate from Superior to Afton, Minn.
February 13, 1906. Complaint filed.
March 3, 1906. Answer filed.
May 8 and 9, 1906. Hearing.
August 23, 1906. Report and opinion filed.
August 23, 1906 Order of dismissal entered.

862. Hastings Malting Company *v.* Chicago, Milwaukee and St. Paul Railway Company.
Violation of sections 1, 2, 3, and 4 in rates on cattle, malt, wheat, and other grain from Hastings, Minn., to Chicago and Milwaukee; rates on rye from Hastings to Louisville, Ky.; rates on corn and oats from Hastings to Adrian, Battle Creek, Detroit, and Benton Harbor, Mich., Belfast, Hanna, Laporte, and Thomaston, Ind., and Toledo, Ohio.
February 13, 1906. Complaint filed.
March 3, 1906. Answer filed.
May 8 and 9, 1906. Hearing.

863. In the Matter of the Transportation of Petroleum and its Products from Points in Kansas and Indian Territory to Interstate Destinations.
February 17, 1906. Order entered.
March 12–14, 1906. Hearings.
May 10–12, 1906. Hearing.
May 24–26, 1906. Hearing.

864. D. & K. Fertilizer Company *v.* the Chicago, Burlington and Quincy Railway Company and others.
Violation of sections 1, 2, and 3, in rate on sulphuric acid in tank cars from La Salle, Peru, and Wenona, Ill., to Indianapolis, Ind.
February 20, 1906. Complaint filed.
March 3–19, 1906. Answers filed.

865. Star Hame Company *v.* Baltimore and Ohio Southwestern Railroad Company and others.
Violation of sections 1, 2, 3, and 4, in rates on hames in bundles from Blanchester, Ohio, to Montgomery, Ala.
February 20, 1906. Complaint filed.
March 12–22, 1906. Answers filed.
May 9, 1906. Hearing.
August 3, 1906. Order of dismissal entered.

866. Star Hame Company *v.* Baltimore and Ohio Southwestern Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on hames in bundles from Blanchester, Ohio, to Selma, Ala.
February 20, 1906. Complaint filed.
March 12, 1906, to March 22, 1906. Answers filed.
May 9, 1906. Hearing.
August 3, 1906. Order of dismissal entered.

867. In the Matter of Alleged Unlawful Discrimination against the Enterprise Transportation Company by Railroad Lines Leading from New York City.
February 28, 1906. Order entered.
March 5, 1906. Hearing.
April 5, 1906. Report and opinion filed.

868. Howard Mills Company *v.* Missouri Pacific Railway Company and others.
Violation of sections 1, 2, and 3, in rates on flour from Wichita, Kans., to San Francisco, Cal., and other Pacific coast terminals.
March 5, 1906. Complaint filed.
March 22 to June 19, 1906. Answers filed.
October 30, 1906. Order of discontinuance entered.

869. In the Matter of the Relation of Common Carriers Subject to the Act to Regulate Commerce to Coal and Oil and the Transportation Thereof.
March 8, 1906. Order entered.
April 10–11, 1906. Hearing.
April 13–14, 1906. Hearing.
April 17–18, 1906. Hearing.
April 23–28, 1906. Hearing.
May 2–5, 1906. Hearing.
May 9, 1906. Hearing.
May 9, 1906. Hearing.
May 15–18, 1906. Hearing.
May 23–25, 1906. Hearing.
June 1, 1906. Hearing.
June 5–8, 1906. Hearing.
June 11, 1906. Hearing.
June 12–14, 1906. Hearing.
June 19–22, 1906. Hearing.

870. Joseph P. McCann *v.* Atchison, Topeka and Santa Fe Railway Company.
Violation of section 3, in refusing to handle a personally conducted tour of Kismet Temple of the Mystic Shrine, from Brooklyn, N. Y., to Los Angeles, Cal.
March 29, 1906. Complaint filed.
April 16, 1906. Answer filed.
September 24, 1906. Order of discontinuance entered.

871. E. T. Rainey *v.* Cleveland, Cincinnati, Chicago and St. Louis Railway Company.
Violation of sections 2 and 3, in shipments of dressed poultry, ice packed, from Eldorado, Ill., to New York, N. Y.
April 10, 1906. Complaint filed.
October 19, 1906. Order of discontinuance entered.

872. Riverside Mills *v.* Southern Railway Company and others.
Violation of sections 1 and 3, in rate on waste from Augusta, Ga., to New York.
April 10, 1906. Complaint filed.
May 1, 1906. Answers filed.
October 30, 1906. Order of discontinuance entered.

873. Pacific Coast Lumber Manufacturers' Association and others *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, and 3, in rates on lumber and forest products between interstate points, and unreasonable requirement, requiring shippers to rack with stakes, at their own expense, lumber loaded on flat cars.
April 19, 1906. Complaint filed.
April 30 to September 21, 1906. Answers filed.
September 19, 1906. Hearing.

874. Texas Cement Plaster Company *v.* St. Louis and San Francisco Railroad Company.
Violation of sections 1, 2, and 3, in rates on wall plaster from Quanah, Tex., to Kansas City and St. Louis.
May 26, 1906. Complaint filed.
June 9, 1906. Answer filed.
June 22, 1906. Order entered bringing in additional defendant.
July 21, 1906. Answer of additional defendant filed.
December 11, 1906. Order of dismissal entered.

875. In the Matter of the Relations of Common Carriers Subject to the Act to Regulate Commerce to the Ownership and Operation of Elevators and the Buying, Selling, and Forwarding of Grain.
July 12, 1906. Order entered.
October 15–17, 1906. Hearing.
October 22–23, 1906. Hearing.
October 24–25, 1906. Hearing.
October 26, 1906. Hearing.
November 20, 1906. Hearing.
November 21–22, 1906. Hearing.
November 23, 1906. Hearing.

876. In the Matter of the Application of Express Companies for Additional Time within which to File Tariffs.
October 20, 1906. Hearing.

877. J. R. Lucas & Co. *v.* Louisville and Nashville Railroad Company.
Violation of sections 1, 2, and 3 in reconsignment charge on hay at East St. Louis, Ill.
January 28, 1906. Complaint filed.
August 15, 1906. Answer filed.
November 3, 1906. Order of dismissal entered.

878. In the Matter of Alleged Unlawful Rates and Practices in the Transportation of Ice to and from Toledo in the State of Ohio.
July 31, 1906. Order entered.
August 14–15, 1906. Hearing.

879. City of Spokane and others *v.* Northern Pacific Railway Company and others.
Violation of sections 1, 2, 3, and 4 in rates from points east of the State of Washington to Spokane.
August 29, 1906. Complaint filed.
September 19–24, 1906. Answers filed.
November 5, 1906. Order entered bringing in additional defendants.
November 16–30, 1906. Answers of additional defendants filed.

880. Birmingham Packing Company *v.* Texas and Pacific Railway Company and others.
Violations of sections 1, 2, and 3 in rates on live stock in carloads from Fort Worth, Tex., to Birmingham, Ala.
August 29, 1906. Complaint filed.
September 19 to October 10, 1906. Answers filed.

881. Edward B. Grossman & Co. *v.* Wells Fargo and Company Express.
Violation of section 3 in refusing to accept for transportation packages marked "C. O. D."
August 29, 1906. Complaint filed.
September 19, 1906. Answer filed.

882. E. P. Peck *v.* Missouri, Kansas and Texas Railway Company.
Violation of sections 1, 2, and 3 in failure to furnish cars and excessive charge on carload shipment of corn from Tulsa, Ind. T., to Galveston, Tex.
August 29, 1906. Complaint filed.
September 21, 1906. Answer filed.

883. Ponca City Milling Company *v.* Missouri, Kansas and Texas Railway Company.
Violation of sections 1, 2, and 3 in rates on grain and grain products from Ponca City, Okla., to points in Indian Territory, Kansas, Missouri, and other States.
August 29, 1906. Complaint filed.
September 21, 1906. Answer filed.

884. St. Louis Hay and Grain Company *v.* Louisville and Nashville Railroad Company and others.
Violation of sections 1, 2, and 3 in reconsignment charge on hay at East St. Louis, Ill.
August 29, 1906. Complaint filed.
September 19–26, 1906. Answer filed.

885. Sioux City and Rock Springs Coal Mining Company *v.* Union Pacific Railroad Company.
Violation of section 3 in refusal to furnish sidetrack connections at mines in Sweetwater County, Wyo.
August 29, 1906. Complaint filed.
September 18, 1906. Answer filed.

886. American National Live Stock Association and the Cattle Raisers Association of Texas *v.* Texas and Pacific Railway Company and others.
Violation of sections 1 and 3 in refusal to maintain through routes and joint rates on live stock.
August 30, 1906. Complaint filed.
September 21 to October 22, 1906. Answers filed.

887. In the Matter of the Petitions of Various Cotton-Carrying Roads for Authority to Change Rates on Export Cotton upon less than Thirty Days' Notice to the Commission.
August 29, 1906. Order entered.
September 12–14, 1906. Hearing.
September 15, 1906. Order entered regarding publication and filing of rates.

888. J. J. Waxelbaum and Company *v.* Atlantic Coast Line Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on peaches in carloads from Macon and Atlanta, Ga., to Washington, Baltimore, Philadelphia, and New York.
September 1, 1906. Complaint filed.
September 21–25, 1906. Answers filed.
October 11, 1906. Order entered bringing in additional defendant.
October 22, 1906. Answer of additional defendant.

889. Merchants' Traffic Association *v.* New York, New Haven and Hartford Railroad Company and others.
Violation of sections 1, 2, 3, and 4 in rates on cotton piece goods from Boston, Providence, New York, Philadelphia, and Baltimore to Denver, Colo.
September 1, 1906. Complaint filed.
September 18 to October 22, 1906. Answers filed.

890. Johnston-Larimer Dry Goods Company *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, 3, and 4 in rates on cotton fabrics from points in Texas to Wichita, Kans.
September 6, 1906. Complaint filed.
September 18 to December 18, 1906. Answers filed.

891. Johnston-Larimer Dry Goods Company *v.* New York and Texas Steamship Company (Mallory Lines) and others.
Violation of sections 1, 2, 3, and 4 in rates on knit goods from New York and other points via Galveston, to Wichita, Kans.
September 6, 1906. Complaint filed.
September 26 to October 1, 1906. Answers filed.

892. Johnston-Larimer Dry Goods Company *v.* Wabash Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on cotton piece goods from East St. Louis, Ill., and Kansas City, Mo., to Wichita, Kans.
September 6, 1906. Complaint filed.
September 18 to October 6, 1906. Answers filed.

893. Frederick Brick Works *v.* Northern Central Railway Company and others.
Violation of sections 1, 2, and 3 in rates on red brick in carloads from Frederick, Md., to Elberon, N. J.
September 6, 1906. Complaint filed.
September 24, 1906. Answer filed.
December 20, 1906. Hearing.
December 24, 1906. Report and opinion filed.

894. J. E. Walker *v.* Baltimore and Ohio Railroad Company and others.
Violation of sections 1, 2, and 3 in the use of the package express at Hockessin, Pa., against patrons of trolley road.
September 6, 1906. Complaint filed.
September 27 to October 1, 1906. Answers filed.

895. In the Matter of Allowing Changes in Export and Import Rates on Less than Thirty Days' Notice.
September 11, 1906. Order entered.
September 29, 1906. Hearing.
September 25, 1906. Order entered.
October 10, 1906. Hearing.

896. Stowe-Fuiler Company *v.* Pennsylvania Company and others.
Violation of sections 1, 2, and 3, in rates on common fire-brick from Cleveland, Strasburg, Empire and other points,in Ohio to points in New York and Pennsylvania.
September 20, 1906. Complaint filed.
October 11 to 25, 1906. Answers filed.

897. In the Matter of the Construction, Publication, and Filing of Rate Schedules.
September 15, 1906. Order entered.
October 8–10, 1906. Hearing.
November 12–13, 1906. Hearing.

898. Cornelius J. Jones, Hannah James and William James *v.* St. Louis and San Francisco Railroad Company.
Violation of sections 1, 2, and 3, in removing and failing to maintain the station at Chase, Ind. T.
September 27, 1906. Complaint filed.
November 7, 1906. Answer filed.

899. Werres and Hinton Silk Dye Works (Incorporated) *v.* Adams Express Company and others.
Violation of section 1, in rates on undyed skein silk from various points in Pennsylvania, New Jersey, Delaware, and New York to Petersburg, Va., or dyed silk from Petersburg to the points named above.
September 27, 1906. Complaint filed.
October 18, 1906. Answers filed.

900. Chamber of Commerce of El Paso, Tex., *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, and 3, in refusing to recognize El Paso, Tex., as a Texas common point.
September 27, 1906. Complaint filed.
October 15, 1906. Order of discontinuance entered.

901. Cleveland Provision Company *v.* Baltimore and Ohio Railroad Company and others.
Violation of sections 1, 2, and 3, in rates on live hogs from Chicago, St. Louis, East St. Louis, Kansas City, and other Missouri River points to Cleveland, and on boxed meats from Cleveland to New York and other Atlantic seaboards.
October 8, 1906. Complaint filed.
October 29, 1906, to November 26, 1906. Answers filed.

902. H. Clay Jones Company *v.* Philadelphia, Baltimore and Washington Railroad Company.
Violation of sections 1, 2, and 3, in establishing minimum carload weight on manure and in requiring prepayment of freight charges.
October 9, 1906. Complaint filed.
October 25, 1906. Answer filed.
December 20, 1906. Hearing.

903. Society of American Florists and Ornamental Horticulturists *v.* United States Express Company.
Violation of sections 1, 2, and 3, in rates on flowers from Summerville and Chatham, N. J., Allentown, Philadelphia, Hillside, and Dorranceton, Pa., to New York.
October 9, 1906. Complaint filed.
October 29, 1906. Answer filed.

904. Ryland and Brooks Lumber Company *v.* Norfolk and Western Railway Company and others.
Violation of sections 1, 2, and 3, by overcharge on carload shipments of lumber from Ford, Va., to Brooklyn, Md.
October 9, 1906. Complaint filed.

905. North Carolina Case Workers' Association *v.* Southern Railway Company and others.
Violation of sections 1, 2, and 3 in minimum carload weight on furniture from High Point, N. C. to Danville, Va., and other points in North Carolina and Virginia to San Francisco, Portland, Seattle, and other Pacific coast terminals.
October 15, 1906. Complaint filed.
October 26 to November 30, 1906. Answers filed.
December 18, 1906. Hearing.

906. Cattle Raisers' Association of Texas *v.* Galveston, Harrisburg and San Antonio Railway Company and others.
Violation of sections 1, 2, and 3 in the unjust cancellation of joint through rates from points on the International and Great Northern Railroad via San Antonio to New Orleans, La.
October 16, 1906. Complaint filed.
November 12–19, 1906. Answers filed.

907. James B. Mason *v.* Chicago, Rock Island and Pacific Railway Company.
Violation of section 1 in excessive minimum carload weight on baled straw from Center Point, Iowa, to Chicago, Ill.
October 13, 1906. Complaint filed,
November 12, 1906. Answer filed.

908. Merchants Traffic Association *v.* Denver and Rio Grande Railroad Company and others.
Violation of sections 1, 2, 3, and 4 in class and commodity rates from Chicago, St. Louis, and Kansas City to Leadville, Glenwood Springs, Grand Junction, and points intermediate thereto.
October 22, 1906. Complaint filed.
November 12–30, 1906. Answers filed.

909. J. B. Harrell *v.* Missouri, Kansas and Texas Railway Company.
Violation of sections 1, 2, and 3 in rates on semibituminous coal in carloads from St. Louis, Mo., to Oklahoma City, Okla.
October 23, 1906. Complaint filed.
November 26, 1906. Answer filed.

910. Commercial and Industrial Association of Union Springs, Ala., *v.* Central of Georgia Railway Company.
Violation of sections 1, 2, and 3, in discrimination in the privilege of the compression of cotton in transit at Union Springs, Ala., on through shipments to Savannah, Ga.
October 6, 1906. Complaint filed.
November 7, 1906. Answer filed.

911. Commercial and Industrial Association of Union Springs, Ala., *v.* Louisville and Nashville Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on grain and flour in sacks and barrels, and packing-house products from St. Louis, Memphis, Nashville to Union Springs, Ala.
October 29, 1906. Complaint filed.
November 15–21, 1906. Answers filed.

912. National Petroleum Association *v.* Chicago, Milwaukee and St. Paul Railway Company and others.
Violation of sections 1, 2, and 3 in rates on petroleum and its products from Chicago and Peoria, Ill., and Milwaukee, Wis., to St. Paul, Minneapolis, and Duluth, Minn.
October 30, 1906. Complaint filed.
November 12–26, 1906. Answers filed.

913. National Petroleum Association *v.* Chicago, Milwaukee and St. Paul Railway Company and others.
Violation of sections 1, 2, and 3 in rates on petroleum and its products from Chicago and Peoria, Ill., to Omaha, Nebr., Sioux City, Iowa, and Sioux Falls, S. Dak.
October 30, 1906. Complaint filed.
November 14–26, 1906. Answers filed.

914. National Petroleum Association *v.* Pennsylvania Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on petroleum and its products from Toledo, Findlay, Cleveland, and Marietta, Ohio, Pittsburg, Freedom, Oil City, Titusville, Warren, and Bradford, Pa., to San Francisco, Cal., and other Pacific coast terminals.
October 30, 1906. Complaint filed.
November 12–December 4, 1906. Answers filed.

915. Hope Cotton Oil Company *v.* Texas and Pacific Railway Company and others.
Violation of sections 1, 2, and 3 in rates on cotton seed in carloads from Uni, Belcher, Lane, and other points in Louisiana to Hope, Ark.
October 30, 1906. Complaint filed.
November 30–December 18, 1906. Answers filed.

916. Riverside Mills *v.* Southern Railway Company and others.
Violation of sections 1, 2, and 3 in rate on waste from Augusta, Ga., to New York, N. Y.
November 1, 1906. Complaint filed.
November 15–16, 1906. Answers filed.

917. Howard Mills Company *v.* Missouri Pacific Railway Company and others.
Violation of sections 1, 2, and 3 in unjust differentials on flour in favor of wheat from Wichita, Kans., to San Francisco, Cal., and other Pacific coast terminals, and Phoenix and other Arizona points.
November 1, 1906. Complaint filed.
November 12–30, 1906. Answers filed.

918. Farmers', Merchants', and Shippers' Club of Kansas *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, 3, and 4 in rates on wheat and corn from points in Kansas to Kansas City, Mo., and to Galveston, Tex.
October 15, 1906. Complaint filed.
November 23, 1906. Answer filed.

919. Farmers', Merchants', and Shippers' Club of Kansas *v.* Chicago, Rock Island and Pacific Railway Company and others.
Violation of sections 1, 2, 3, and 4 in rates on wheat and corn from points in Kansas to Kansas City, Mo., and to Galveston, Tex.
October 15, 1906. Complaint filed.
November 26–27, 1906. Answers filed.

920. Territory of Oklahoma *v.* Chicago, Rock Island and Pacific Railway Company and others.
Violation of sections 1, 2, 3, and 4 in rates on wheat in carloads for exports from points in Oklahoma to Galveston, Tex.
November 1, 1906. Complaint filed.
November 15 to December 18, 1906. Answers filed.

921. F. S. Ulmer *v.* Texas and New Orleans Railroad Company.
Violation of sections 1, 2, 3, and 4 in charge on two carload shipments of lumber from Rockland, Tex., to Tampico, Mexico.
November 5, 1906. Complaint filed.
November 27, 1906. Answer filed.

922. Santa Fe Central Railway Company *v.* Atchison, Topeka and Santa Fe Railway Company.
Violation of sections 1, 2, and 3 in refusing to make joint through rates on passenger traffic at Kennedy, N. Mex., or allowing interchange of round-trip passenger rates.
November 5, 1906. Complaint filed.
November 26, 1906. Answer filed.

923. J. R. Lucas and Company *v.* Louisville and Nashville Railroad Company.
Violation of sections 1, 2, and 3 in discriminating against East St. Louis in favor of other gateways, in reconsignment charge on hay.
November 6, 1906. Complaint filed.
November 26, 1906. Answer filed.

924. Nobles Brothers Grocer Company and others *v.* Fort Worth and Denver City Railway Company and others.
Violation of sections 1 and 3 in the matter of discriminating differentials against Amarillo, Tex.
November 6, 1906. Complaint filed.
November 26 to December 3, 1906. Answers filed.

925. Channel Commercial Company *v.* Southern Pacific Company and others.
Violation of sections 1, 2, 3, and 4 in rate on coal, corn, flour, and canned goods from Kansas City, St. Louis, and Chicago to San Buena Ventura.
November 10, 1906. Complaint filed.
November 17 to December 3, 1906. Answers filed.

926. Frye and Bruhn (Incorporated) and others *v.* Northern Pacific Railway Company and others.
Violation of sections 1, 2 and 3 in rate on hogs in carloads from St. Paul, Omaha, Sioux City, and points taking Missouri River rates, and from intermediate points in Iowa, Minnesota, Nebraska, and North and South Dakota to Seattle, Wash., and in refusal to furnish double-deck cars for transportation of hogs.
November 12, 1906. Complaint filed.
November 30 to December 3, 1906. Answers filed.

927. Yawman and Erbe Manufacturing Company *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, and 3 in classification of roller letter copiers.
November 13, 1906. Complaint filed.
November 23 to December 18, 1906. Answers filed.

928. Commercial Club of Roswell, N. Mex., and others *v.* Atchison, Topeka and Santa Fe Railway Company and others.
Violation of sections 1, 2, and 3 in rates (class and commodity) from Chicago, Ill., Kansas City, Mo., St. Louis, Mo., Memphis, Tenn., New Orleans, La., Galveston, Tex., Fort Worth, Tex., Oklahoma City, Okla., Wichita, Kans., Denver, Colo., and other points to Roswell, Hagerman, Artesia, and Carlsbad, N. Mex.
November 13, 1906. Complaint filed.
November 26 to December 26, 1906. Answers filed.

929. Preston and Davis *v.* Delaware, Lackawanna and Western Railroad Company.
Violation of sections 1 and 3 in shipments of oil in tank cars from Titusville, Pa., to Brooklyn, N. Y.
November 13, 1906. Complaint filed.
November 27, 1906. Answer filed.
November 30, 1906. Hearing.
December 15, 1906. Oral argument.

930. W. B. Johnson *v.* St. Louis and San Francisco Railroad Company and others.
Violation of sections 1, 2, and 3 in rates on coal from points in Indian Territory to Enid, Okla.
November 14, 1906. Complaint filed.
November 30 to December 21, 1906. Answers filed.

931. Commercial Club of Santa Barbara, Cal., *v.* Southern Pacific Company and others.
Violation of sections 1, 2, 3, and 4 in rate on butter, eggs, cheese, dressed poultry, wheat, corn, flour, and coal from Kansas City and Chicago to Santa Barbara, Cal.
November 14, 1906. Complaint filed.
November 23 to December 18, 1906. Answers filed.

932. Kinsella Grain Company *v.* Chicago and Northwestern Railway Company and others.
Violation of sections 1, 2, and 3, through failure to allow carload rates on combined shipments of corn and oats from Blairstown, Iowa, to Chicago, Ill.
November 14, 1906. Complaint filed.
December 8, 1906. Answer filed

933. In the Matter of Rates, Practices, Accounts, and Revenue of Carriers Subject to the Act to Regulate Commerce.
November 16, 1906. Order entered.
November 24, 1906. Hearing.

934. D. W. Durham *v.* Illinois Central Railroad Company.
Violation of sections 1, 3, and 4 in rates on brick machinery from Lochland, Ky., to East St. Louis, Ill.
November 17, 1906. Complaint filed.
December 4, 1906. Answer filed.

935. City of Bessemer, Mich., *v.* Duluth, South Shore and Atlantic Railway Company and others.
Violation of section 1 in rates on coal in carloads from Ashland, Wis., to Bessemer, Mich.
November 28, 1906. Complaint filed.
December 10, 1906. Answer filed.

936. Van Camp Burial Vault Company *v.* Chicago, Indianapolis and Louisville Railway Company and others.
Violation of sections 1, 2, and 3 in classification of burial vaults, cement, knocked down, in less than carload quantities.
November 30, 1906. Complaint filed.
December 13 to 29, 1906. Answers filed.

B.—INFORMAL COMPLAINTS FILED WITH THE COMMISSION DURING THE YEAR.

3727. Excessive charges on one stallion shipped from Bushnell, Ill., to Hanford, Cal.
3728. Excessive rates on grain from Dodge City and Bucklin, Kans., to Amarillo, Tex., as compared with rates on same commodity from Kansas City, Mo., to Amarillo.
3729. Failure of the Louisville and Nashville Railroad Company to furnish cars at certain points.
3730. Protest against proposed advance to 9 cents per 100 pounds on grain from all points taking rate of 7½ cents to Cincinnati, Ohio.
3731. Higher rate on wheat from Oregon and Washington to Live Oak, Cal., than to Marysville, Cal.
3732. Unreasonable delay in shipment of canned fruit from Casey, Ill., to Washington, D. C.
3733. Refusal by the Texas and Pacific Railway Company to receive a shipment of brooms destined to Albuquerque, N. Mex., without prepayment of freight.
3734. Overcharge on one car of lumber shipped from Ocilla, Ga., to New York, N. Y.
3735. Overcharge on shipments of lumber from Delph, Fla., to Baltimore, Philadelphia, and Washington.
3736. Overcharge in weight on coal shipped from Douglas, W. Va., to Cody, Wyo.
3737. Unreasonable delay in delivery of baggage at Durant, Ind. T.
3738. Excessive charges on one car of crushed oyster shells shipped from Biloxi, Miss., to Peoria, Ill.
3739. Negligence of the Chicago, Burlington and Quincy Railway Company to deliver coal shipped to dealers in Wilsonville, Nebr.
3740. Excess fare on certain trains from Chicago, Ill., to New York, N. Y.
3741. Higher rate on lumber from Baker City, Oreg., to Dresden, Kans., than to Jennings, Kans., and other points more distant on same line.
3742. Excessive rate charged on a car of lumber shipped from Ewing, Va., to Cumberland, Md.
3743. Excessive charges on shipment of table tops, leaves, and legs from Charlotte, Mich., to Yazoo City, Miss.
3744. Failure of the Frisco System to supply them with cars to ship hay.
3745. Higher rate on cement, carloads, from Hannibal, Mo., to points between Mississippi River and Decatur, Ill., as compared with rates on same commodity from Hannibal, Mo., to Decatur, Ill.
3746. Excessive transfer charges on a shipment of clothes racks, etc., between East St. Louis, Ill., and St. Louis, Mo.
3747. Excessive rate on scale beams, carloads, from New York, N. Y., to East St. Louis, Ill., as compared with rate from Boston, Mass., to same point.
3748. Unjust classification of cheap German china shipped from Peoria, Ill, throughout the West.
3749. Discrimination in shipments of live stock from points in western Pennsylvania to points in eastern Pennsylvania.
3750. Discrimination in furnishing cars for shipments of coal from Cheshire, Ohio.
3751. Overcharge on grain shipped from Chicago, Ill., and points west thereof, to Norfolk, Va., milled in transit at Chillicothe, Ohio.
3752. Higher rates on pine lumber, carloads, from Arkansas and Louisiana points to Ashley and McLeansboro, Ill., than on like shipments from same points to Mount Vernon, Ill.
3753. Discrimination in furnishing cars for shipment of hay from Croswell, Mich.
3754. Delay in shipments of oil from Memphis, Tenn., to Newellton, La., and other points on the Missouri Pacific Railway.
3755. Excessive rates charged on table oilcloth, carloads, from Akron and Youngstown, Ohio, to Memphis and Nashville, Tenn., as compared with rates on like shipments from New York, N. Y., to same points of destination.
3756. Overcharge on shipment of one car of lumber from Jena, La., to Belle Vernon, Pa.

3757. Higher rates on grain and grain products from Butte, Mont., to stations on the Oregon Short Line Railroad than apply from such stations to Butte, Mont.
3758. Overcharge on car of coal shipped from Cantrall, Ill., to Fort Madison, Iowa.
3759. Overcharge on 23 cars of coal shipped from mines on the Baltimore and Ohio Railroad to East St. Louis, Ill.
3760. Overcharge on shipment of coal from Douglas, W. Va., to East. St. Louis, Ill.
3761. Refusal of the Sante Fe Railway to haul cars of the Colorado Southern loaded with coal in Colorado for points in Texas.
3762. Discrimination against Connersville, Ind., in favor of Cincinnati, Ohio, in the transportation of carriages.
3763. Failure of the Erie Railroad Company to pay for 22 pigs of tin lost in transit between New York, N. Y., and Detroit, Mich.
3764. Increase of rates on coal and coke on account of an extra charge for reconsigning service while in transit.
3765. Higher rates on live stock from Virden, Ill., to Cleveland, Ohio, than from same points of origin to Buffalo, N. Y.
3766. Overcharge on shipment of hospital supplies from Brooklyn, N. Y., to Seattle, Wash.
3767. Overcharge on shipment from Coraopolis, Pa., to Covington, Ky.
3768. Damages on carload shipment of eggs from Osceola, Mo., to Chicago, Ill.
3769. Overcharge on one car of coal shipped from Thurmond, W. Va., to Chicago, Ill.
3770. Excessive rate on grain from Paulding, Ohio, to Venango, Pa.
3771. Excessive charges on one car of cattle shipped from Chicago, Ill., to Collins, Ohio.
3772. Advance in rates on cross-ties from points on the Southern Railway in North Carolina to Richmond, Va.
3773. Alleges that certain services in the handling of export lumber for members of the National Exporters' Association are not afforded shippers not members.
3774. Excessive charges on one car of posts shipped from Honor, Mich., to Findlay, Ohio.
3775. Unjust discrimination in rates from eastern points to Grand Junction, Colo.
3776. Delay in shipment of two antique chairs from Grinnell, Iowa, to New York, N. Y.
3777. Improper classification of leaf tobacco.
3778. Failure of the Atlantic Coast Line Railroad Company to keep its lumber tariffs posted at Meigs, Ga., as required by law.
3779. Refusal of the Delaware, Lackawanna and Western Railroad Company to receive shipments of paper stock at their freight stations in New York, N. Y.
3780. Excessive rate on pine barrel and keg heads from Emporia, Va., to New York, N. Y., as compared with rate to Providence, R. I.
3781. Higher rates charged on walnut lumber from points in Kentucky than are charged on oak lumber from same points.
3782. Discrimination against Baxter Springs district, Indian Territory on account of excessive rates charged on shipments of zinc ore from that locality, as compared with rates on same commodity from other points.
3783. Alleges that certain railroads weigh carloads of lumber while coupled in train and in motion and that weights so obtained are unreliable.
3784. Unreasonable rate on peaches from Gainesville, Fla., to New York, N. Y., as compared with rate from Fort Valley, Ga., to same point of destination.
3785. Excessive rate on beer from La Crosse, Wis., to Glencoe, Minn., as compared with rates from Rock Island, Ill., and other points to Glencoe, Minn.
3786. Higher rates on wheat and corn from Kansas City, Mo., to Jonesboro, Ark., than to Memphis, Tenn., a point farther distant on the same line.
3787. Refusal of the St. Louis and San Francisco Railroad Company to accept billing on any cars belonging to their company to points off their system proper.
3788. Unjust and excessive charges on a carload shipment of millet from Minneapolis, Minn., to Petaluma, Cal.
3789. Loss by delay in transit of a car of cabbage over the Chicago Northwestern and Pere Marquette railroads.
3790. Discrimination in freight rates on wall plaster from Quanah, Tex., to St. Louis and Kansas City, Mo., as compared with rates on like shipments from Cement and Southard, Okla., to same points of destination.
3791. Higher rates on ties than on lumber from points on the Louisville and Nashville Railroad to Cincinnati, Ohio, and higher rates on ties to Cincinnati than to Louisville, Ky.
3792. Excessive charges on one car of hay shipped from Trowbridge, Ill., to Columbia, S. C., and reshipped to Savannah, Ga.

3793. Higher rates charged on live stock, carloads, from Knuman, Ind., to same point of destination, the latter point being farther distant over the same line in the same direction.
3794. Refusal of the Pennsylvania Railroad Company to put in a siding at Hollidaysburg, Pa., for shipments of lumber, although a siding has been put in for coal shippers.
3795. Excessive rate on soft coal from Milwaukee, Wis., to points between Willmar, Minn., and Garretson, S. Dak., on account of refusal to establish through rates.
3796. Unreasonable demurrage charges on cars that do not belong to railroad company.
3797. Alleges that the Delaware and Hudson Company declined to fill his orders for coal and refused to allow any coal consigned to him to be shipped over road.
3798. Higher rates on grain and hay from Dahlgren, Ill., to Hopkinsville, Ky., than to Nashville, Tenn., a farther distant point on the same line.
3799. Unjust discrimination in rates against Hope, Ark., and in favor of Prescott, Ark., in rates to and from St. Louis, Mo.
3800. Higher rates from Evansville, Ind., and Henderson, Ky., to McLeansboro, Ill., than to Shawneetown, Ill., a farther distant point.
3801. Refusal of the Toledo, Peoria and Western Railroad to have cars loaded with lumber, transferred by the "Y" at Chatsworth, Ill., from the Illinois Central to the Toledo, Peoria and Western.
3802. Higher rates on earth paint from Iron Ridge, Wis., to Atlanta, Ga., than to Pensacola, Fla., a farther distant point.
3803. Refusal of the Louisville and Nashville Railroad to furnish cars for the shipment of lumber from Marl, Ala., to Baltimore, Md.
3804. Inability to get cars from the Southern Railway Company for shipment of wood from Barkers Creek, N. C.
3805. Unreasonable delay in shipment of cotton from Newnan, Ga., to Elon College, N. C.
3806. Advance in minimum weight of thrashers from Lansdale, Pa., to Petersburg, Va.
3807. Refusal of the Southern Pacific Company to furnish cars for shipment of railroad ties to points off their system; also that said company will discontinue applying lumber rates on ties to Texas common points.
3808. Refusal of the Missouri, Kansas and Texas Railway Company to furnish cars for shipment of coal from mines on their line.
3809. Excessive rate charged on first-class freight from St. Louis, Mo., to Springdale, Ark., as compared with rate on same class from same point of shipment to Rogers, Ark.
3810. Delay in settlement of overcharge on shipment of lumber and household goods from Ford, Va., to Cazenovia, N. Y.
3811. Higher rate on ties than on lumber from points on the Chesapeake and Ohio Railway to Harrisburg, Pa.
3812. Higher rate charged on shipments of cross ties than on lumber shipments.
3813. Failure to refund correct amount for unused portion of round-trip ticket, Washington, D. C., to Quantico, Va., and return.
3814. Unreasonable delay in shipment of carload of timber from Cheraw, S. C., to Washington, D. C.
3815. Various claims for overcharge on shipments of cotton.
3816. Excessive weights charged on two cars of hay shipped from Vera, Ind. T., to Chicago, Ill.
3817. Advance in commodity rate on leather, less than carload, from Utah common points to points in Atlantic seaboard territory.
3818. Overcharge on carload shipment of oats from Mount Pulaski, Ill., to Brunswick, Me.
3819. Increase in estimated weights per case of canned vegetables from Frederick, Md., without a corresponding increase on like shipments from Baltimore, Md.
3820. Excessive rating of saddlery hardware in the southern classification territory.
3821. Higher rate on grain from Waupaca, Wis., to New York, N. Y., than from Minneapolis, Minn., to same point of destination.
3822. Excessive rate on flour from White, S. Dak., to Belmond, Iowa, as compared with rate on like shipments to points in Iowa and on coal from Chicago, Ill., to White, S. Dak., as compared with rate from same point of shipment to Minneapolis, Minn.
3823. Unreasonable delays in shipments of fertilizer from Savannah, Ga., to points on the Southern Railway.

3824. Higher rates charged on domestic shipments of enameled ware, carloads and less than carloads, from Baltimore, Md., to Western points, than is charged on like shipments from Baltimore on traffic imported through that port.
3825. Unjust discrimination against Jersey City, N. J., in freight rates on stable manure.
3826. Various claims for overcharge, damage, etc., on cotton shipments.
3827. Discrimination in rates from Nashville, Tenn., Evansville, Ind., etc., to Tallahassee, Fla., as compared with rates from same shipping points to Bainbridge, Ga., and Lake City, Fla.
3828. Refusal of railroad company to pay a claim for overcharge on a shipment made prior to road going into hands of receiver.
3829. Refusal of the Baltimore and Ohio Railroad Company to furnish cars for shipment of cross ties.
3830. Excessive rate on car wheels, carloads, from St. Louis, Mo., as compared with rate on like shipments from St. Louis to New Orleans, La.
3831. Excessive rates on crude oil and on petroleum and its products, carloads, from Muscogee, Ind. T., to various points. Also on fuel oil from Muscogee, Ind. T., as compared with rates on coal from and to same points.
3832. Higher through rates on coal from Mississippi River points to Lehigh, Kans., and Carlsbad, N. Mex., than may be obtained by combination of the rates Mississippi River to Pittsburg, Kans., plus rates beyond.
3833. Excessive rate on live cattle, carloads, from Fort Worth, Tex., to Jacksonville, Fla., as compared with rate on the dressed product.
3834. Higher rate on cement charged by the Central Railroad Company of New Jersey from Coplay, Pa., to Jersey City, N. J., than is charged by the Lehigh Valley Railroad Company.
3835. Advance in rating on boneblack in official classification territory, also alleges excessive rate on petroleum, carloads, from Cleveland, Ohio, to Quincy, Ill., as compared with rate on like shipments to East St. Louis, Ill., from same point of shipment.
3836. Delay in delivering goods shipped over the Seaboard Air Line Railway from Petersburg, Va.
3837. Delay on the part of Southern Pacific Steamship Company to adjust claim for alleged loss of goods in transit.
3838. Protests against proposed increase on cotton ties from Pittsburg, Pa., to Thomasville, Ga.
3839. Excessive rates charged on grain and grain products by the Chicago and Rock Island and the Missouri, Kansas and Texas Railway on shipments received from the Atchison, Topeka and Santa Fe Railway.
3840. Excessive rate on scrap iron, carloads, from Battle Creek, Mich., to Muncie, Ind., as compared with the rate from same point of shipment to Fort Wayne, Ind.
3841. Overcharge on one box of picture frames and pictures shipped from Chicago, Ill., to North Liberty, Iowa.
3842. Violation of the law and evasion of published tariffs relative to shipments at carloard rates of numerous consignments from Chicago, Ill., to El Paso, Tex.
3843. Overcharge on shipment of lumber from Ocilla, Ga., to New York, N. Y.
3844. Failure of the Mobile, Jackson and Kansas City Railroad Company to furnish cars for shipments of logs from points in Mississippi to New Orleans, La.
3845. Overcharge on shipments of heading, carloads, from Paris, Tenn., to points in Illinois.
3846. Overcharge on shipments of cottonwood staves from Penton, Miss., to points in Illinois.
3847. Excessive rate charged on shipments of iron articles from Beaver Dam, Wis., to Beaverville, Ill., as compared with rate to Earl Park, Ind., a farther-distant point on the same line.
3848. Rates on live stock and green meats from Chicago, Ill., to Cleveland, Ohio, with rates on provisions from Cleveland to seaboard higher than through rates from Chicago to same points of destination.
3849. Discrimination in rates on hay, grain, etc., from Ohio River and other points to Waycross, Ga., as compared with rates on like traffic from same points of shipment to Waycross, Ga,
3850. Overcharge on shipments of two cars of lumber from Touraine and Kingwood, Ga., to Roanoke, Va.
3851. Overcharge on shipments of slack coal from Bonanza and Huntington, Ark., to Enid, Okla.
3852. Excessive freight rates on shipments from New Orleans, La., to Pulaski, Tenn., as compared with rates on like traffic from New Orleans to Decatur, Ala., and Nashville, Tenn.

3853. Excessive rate on cement, in bags, carloads, as compared with rate on salt and sugar in bags, from Thrall, Cal., to Pokegama, Oreg.
3854. Discrimination in freight rates on ice between Atlanta, Ga., and Chattanooga, Tenn., dependent upon uses to which such ice is to be applied.
3855. Complains that the Pennsylvania Railroad Company refuse to deliver consignments at Buffalo, N. Y., except through the Keystone Warehouse Company.
3856. Excessive freight rates on coke from the West Virginia and Kentucky coke regions to Terre Haute, Ind., as compared with rates on like shipments from same regions to Chicago, Indianapolis, East St. Louis, and Peoria.
3857. Higher rate on cement brick, carloads, from Keokuk, Iowa, to Chicago, Ill., than is charged from Chicago to Keokuk.
3858. Excessive rates on sisal fiber from Gulf ports to Miamisburg, Ohio, as compared with rates on like traffic from same ports to Chicago, Ill.; also rates on binder twine from Miamisburg to Missouri River points as compared with rates from Chicago.
3859. Discrimination in rates on coal to Fair Haven, Vt., as compared with rates to Whitehall, N. Y., and Rutland, Vt.
3860. Injustice and inequality in maintaining a higher rate on fire brick than on paving brick.
3861. Higher rate on cross-ties from Brandywine, Md., to Pencoyd, Pa., than is charged from La Plata, Md., to same point of destination.
3862. Excessive rate on cement from Coplay, Pa., to Melrose Junction, N. Y., as compared with rate to New York, N. Y., and other points.
3863. Overcharge on one car of scrap iron from Richmond, Va., to Newport, Del.
3864. Excessive rate on hides, carloads, from Independence, Iowa, to Chicago, Ill., as compared with rate on like shipments from Albert Lea, Minn., to same point of destination.
3865. Refusal of the Rock Island System and St. Louis and San Francisco Railroad to receive shipments of brick loaded in the cars of the Missouri, Kansas and Texas Railway Company at Cleveland, Okla., and offered at Oklahoma for shipment to various points.
3866. Excessive rates from Philadelphia, Pa., to Chicago, Ill., and other western points, as compared with rates from Albany, N. Y., to same points of destination.
3867. Discrimination in rates on lumber shipped from Jasper, Ind., to points in northern Illinois and Michigan, as compared with rates on like shipments from Evansville, Ind.
3868. Higher rate on petroleum products from Cleveland, Ohio, to St. Paul and Minneapolis, Minn., than rates on other oils between same points.
3869. Overcharge on shipment of one bundle painters' trestles from Oklahoma, Okla., to Iowa City, Iowa.
3870. Higher rate on lumber from Samson, Ala., to Allentown, Pa., than from Lockhart and Florala, Ala., and Paxton, Fla., to same point of destination.
3871. Overcharge on one car of lumber shipped from a local station on the New Orleans and Northeastern Railroad Company to Cincinnati, Ohio, and reconsigned to Jamaica, N. Y.
3872. Discrimination in rates on pickles from Pittsburg, Pa., to Mississippi River and Missouri River points, in favor of pickles imported through the port of Baltimore, destined to points in the same territories.
3873. Higher rates from Cairo, Ill., than from Wickliffe, Ky., to Milwaukee, Wis.
3874. Refusal of carrier to divert car of hay to Gladys, Va., which was mistake billed from Nevada, Ohio, to Ingleside, W. Va.
3875. Excessive rate charged on corn, less than carloads, from Bancroft, Nebr., to Washburn, Wis.
3876. Overcharge on account of excess weight on a shipment of household goods from Madison, Wis., to Washington, D. C.
3877. Refusal of the Baltimore and Ohio Railroad Company to accept shipments for Rochester, Pa., and Salem, Ohio, for Pennsylvania Railroad Company delivery, the latter company declining to protect the through rate.
3878. Issuing of circular covering grain rates from Kansas City, Mo., to Memphis Tenn., which are illegal and discriminate against Omaha, Nebr.
3879. Agreement entered into in September, 1905, between the Southern Railway Company and certain packers, where the Southern Railway Company agrees to accept 20 cents per 100 pounds on shipments of packing-house products from the Missouri River as their proportion from East St. Louis, to Norfolk, Va.
3880. Higher rate on grain, carloads, from St. Henry, Ohio, to Richmond, Va., than from Celina, Ohio, to same point of destination.

3881. Overcharge on one car of lumber from Daleville, Ala., to Moline, Ill., on account of alleged overweight.
3882. Refusal of certain employees of the Pennsylvania Railroad Company to trace delayed shipments.
3883. Overcharge on a carload of brick from Hanover Junction to Shrewsbury, Pa.
3884. Higher special commodity rate on hay, carloads, from Burlington, Kans., to Kansas City, Mo., than the published class rate applicable to hay, carloads, from and to the same points.
3885. Higher rate charged on shipment of mussel shells from Prairie du Chien, Wis., to Muscatine, Iowa, than was charged on shipments from same point to New Boston, Ill., and Canton, Mo.
3886. Complains of charge made on bicycles between points in New York and Massachusetts in connection with passenger tickets when no charge is made within the State of New York or within the State of Massachusetts.
3887. Refusal of the Wabash Railroad Company to apply to intermediate points the published rate on soap from Burlington, Iowa, to East St. Louis, Ill.
3888. Failure of the Southern Railway Company and the Western and Atlantic Railway to furnish refrigerator cars for shipment of peaches, resulting in heavy damages.
3889. Refusal of the Chicago, Rock Island and Pacific Railway Company to grant a site for an elevator at Lone Wolf, Okla.
3890. Excessive rates on hay, less than carloads, from Albany, Ga., to Hartford, Ala.
3891. Unjust discrimination by railroad company in refusing to forward packages for certain people under its system of package express.
3892. Higher rates on staves and cooperage from Horatio, New Springs, Moores Spur, Ark., to New Orleans, La., for export than on lumber from and to same points.
3893. Delay attendant upon the movement of freight from New York, N. Y., to Morgan City, La.
3894. Complain against action of lines leading into Texas in curtailing the Texas common-point territory and excepting from the application of Texas common-point rates a large number of places, resulting in increased rates to these excepted localities.
3895. Various claims for overcharges.
3896. Excessive rate on sugar, carloads, from New Orleans, La., to Salt Lake City, Utah, as compared with rate on sugar from same point of shipment to San Francisco, Cal.
3897. Excessive rate on grain and hay from Cairo, Ill., to Kentwood, La., as compared with rate on like shipments from Cairo to New Orleans, La.
3898. Refusal of the Pennsylvania Company to sell tickets from Valparaiso, Ind., to Chicago and return, although such tickets were on sale at a neighboring station.
3899. Overcharge on a shipment consisting of a windmill, tank, and tower, from Chicago, Ill., to Fort Mitchell, Ala.
3900. Discrimination on the part of the railroads in permitting the cereal manufacturers and dealers to ship premiums in their cereal packages under special rule, while they decline to extend this rule permitting premiums to be shipped in coffee packages.
3901. Excessive rate on flour, feed, etc., carloads, from Gold Hill, Oreg., to Redding, Cal., and other places on same line, as compared with rate on like shipments from Portland, Oreg., a farther distant point.
3902. Refusal of the Baltimore and Ohio Railroad Company to receive at Baltimore, Md., five trunks packed with linen, etc., offered for shipment with other household goods to New Orleans, La.
3903. Refusal of railroad company to transport in passenger traffic private cars of all descriptions.
3904. Higher rate on flour, carloads, from Jacksonville, Ill., to Goodman, Miss., than rate on like shipments from Jacksonville to Jackson, Miss.
3905. Discrimination against Jellico, Tenn., in respect to freight rates and facilities in the handling of coal.
3906. Illegal charge for car service assessed at Montgomery, Ala., on a car of lumber shipped from Luverne, Ala., to Attica, N. Y.
3907. Claim for goods lost in transit.
3908. Excessive increase in minimum carload weights on lumber from North Pacific coast points to points in Kansas.
3909. Excessive rate charged on 51 sacks of seed wheat shipped from Woodhull, N. Dak., to Forestburg, S. Dak.

3910. Advance in rate on coal from East St. Louis, Ill., to Iowa City, Iowa, on shipments originating at Trenton, Ill.
3911. Unjust discrimination in rates on shingles, lumber, etc., carloads, from Pacific coast points to Niobrara, Nebr., as compared with rates on same commodities to Verdigree, Nebr.
3912. Excessive charges on one automobile, shipped from Chicago, Ill., to New York, N. Y.
3913. Excessive rate on coal from mines on the St. Louis, Iron Mountain and Southern Railway, in Illinois, to Oran, Mo., as compared with rate from same points to Farmington, Mo.
3914. Overcharge on one car of canned tomatoes shipped from Montvale, Va., to Greenville, S. C.
3915. Excessive rate charged on fruit and berry boxes from Medford, Wis., to St. Paul and Minneapolis, Minn.
3916. Excessive rate on wheat from Hooker, Okla., to Stratford, Tex.
3917. Complain that the railroad companies have no rate for the transportation of sterling silverware.
3918. Higher rate charged on hay, carloads, from New Reigel, Ohio, to Williamson, W. Va., than to a more distant point on the same line.
3919. Excessive rate on butter tubs, less than carloads, from Sioux Falls, S. Dak., to Napoleon, N. Dak., as compared with rate from Minneapolis, Minn., to same point of destination.
3920. Higher rate on canned meats, less than carloads, from Memphis, Tenn., to Chicago, Ill., than from Chicago to Memphis.
3921. Refusal of the Baltimore and Ohio Railroad Company to name rates on coal to local points between Valley Junction and Cleveland, Ohio; also, excessive switching charges at Massillon, Ohio.
3922. Unreasonable and excessive rate on cotton from Marshall, Tex., to Shreveport, La., as compared with the rates from other points of shipment to same point of destination.
3923. Unjust discrimination in rates on shipments from Suffolk, Va., to points in eastern North Carolina.
3924. Overcharge on one car of lumber shipped from Reyburn, Ark., to St. Louis, Mo., basing claim on overweight.
3925. Alleges that it is a physical impossibility to comply with the provision of certain tariffs as to minimum weights applying on snap corn in the shuck.
3926. Overcharge on one car of lime shipped from Eden, Wis., to Hinsdale, Ill.
3927. Excessive rates on apples from Montrose, Heart Lake, Alford, Foster, and Kingsley, Pa., to western points.
3928. Higher rate on machinery from Chicago, Ill., to Hazel, S. Dak., than from Chicago to Bancroft, S. Dak., on the same commodity.
3929. Discrimination in passenger rates from Newark, N. J., to Asbury Park, N. J., as compared with the rates from New York, N. Y., to Asbury Park and return.
3930. Alleges that the cubic capacity of certain improvised gondolas used in transporting coal is not great enough to cover the load of the car to its marked capacity in weight.
3931. Unjust classification of steel wagons by the Official and Western Classification committees, as compared with classification of same articles by the Southern Classification Committee.
3932. Excessive rate on scrap iron, carloads, from Charlotte, N. C., to Richmond, Va., and Philadelphia, Pa., as compared with the rates from Birmingham, Ala., and Atlanta, Ga., to same points.
3933. Overcharge for reconsigning two cars of coal on account of being overloaded.
3934. Higher rates on hard and soft coal from Eastern mines to Lockport, Ill., than rates on like shipments to Chicago and Joliet, Ill.
3935. Discrimination by the Chesapeake and Ohio Railroad Company in the distribution of cars.
3936. Overcharge in weight on a shipment of lumber from Heflin, Ala., to Springfield, Ohio.
3937. Higher rate on iron ore from Cedartown, Ga., to Anniston, Ala., than from Cedartown to Birmingham, Ala.
3938. Absorptions by the carriers of bridge toll at Louisville, Ky., on shipments from points north of Ohio River in transit to the South as against bridge toll assessed on shipments of live stock from points north of the river at Louisville.

3939. Unreasonably low rates on furniture from Fort Smith and Little Rock, Ark., to Oklahoma City, Okla., as compared with rates from Memphis, Tenn., and St. Louis, Mo., to Oklahoma City, on same commodity.
3940. Excessive passenger rate from Saranac Inn, N. Y., to Malone, N. Y., as compared with rate from Montreal, Quebec, to Paul Smiths, N. Y.
3941. Higher passenger rate from Detroit, Mich., to Middleport, Ohio, than from Middleport to Detroit via the same lines.
3942. Higher freight charges from points in Kansas, Missouri, and Illinois, to Santa Rosa, N. Mex., than to El Paso, Tex., a farther distant point via the same line.
3943. Excessive rate on petroleum and its products from Oil City, Pa., to Fargo, N. Dak., as compared with the rate from Oil City, Pa., to St. Paul, Minn., Sioux Falls, S. Dak., and other points.
3944. Complains of methods and practice of the Detroit, Toledo and Ironton Railway Company in forcing shipments originating on the line to Buffalo or Cleveland, which consignments the shipper prefers sent to Pittsburg.
3945. Overcharge on shipment of pulverizers and pulleys from Knoxville, Tenn., to Sophia, N. C.
3946. Higher rate charged on one car of wood telephone pins from Wapanucka, Ind. T., to Lincoln, Nebr., than charged on like shipments from same point of origin to Omaha, Nebr.
3947. Excessive rates and unreasonable and discriminating practices in regard to routing and forwarding express matter from Plainfield, N. J.
3948. Excessive rate on melons charged from Rush Springs, Ind. T., to St. Paul, Minn.
3949. Insufficient notice given by the Morgan's Louisiana and Texas Railroad Company of increase in minimum weights on lumber from Louisiana to Texas points.
3950. Excessive rates on ribbon blocks from Paterson, N. J., to Allentown, Pa., as compared with rates on like shipments from New York City to Allentown and East Greenville, Pa.
3951. Higher rate charged on anthracite coal from Buffalo, N. Y., to Mount Sterling, Ill., than from same point of shipment to Quincy, Ill.
3952. Excessive and discriminatory rates on coal; also refusal of Central Railroad Company of New Jersey to haul anthracite coal except from mines on their line of railway.
3953. Excessive rate on lead foil in the Western Classification, as compared with rating on same in Official Classification.
3594. Excessive express charges from Palisades Park, N. J., to Syracuse, N. Y., and other points.
3955. Discrimination in rates on linseed oil and flax from Minneapolis, Minn., to Fredonia, Kans., as compared with rates on same commodity from Minneapols, Minn., to Kansas City, Mo.
3956. Rates on petroleum and its products from Pennsylvania and Kansas oil-shipping points to points in Iowa and Nebraska and to Fargo, N. Dak.
3957. Excessive rates on an express package from Palisades Park, N. J., to Stafford Springs, Conn.
3958. Higher freight charges on talking machines from Los Angeles, Cal., to Piqua, Ohio, than were made on the same goods from Piqua to Los Angeles.
3959. Higher rate on tea than on coffee from Chicago, Ill., to Nevada, Mo.
3960. Overcharge on shipment of one car of melons from Poseyville, Ind., to Fairmont, W. Va.
3961. Inability to purchase a 1,000-mile ticket at Odenton, Md.
3962. Alleges that the Illinois Central Railroad declines to allow them the usual elevator allowance for transfer of grain, although their services are exactly the same as that rendered by elevators.
3963. Complains that the Pennsylvania Railroad tariff Interstate Commerce Commission No. 2933 on fertilizer material is not specific.
3964. Excessive charges on one car of lumber, caused by failure to divert same as per instructions.
3965. Unreasonable rates on shelled corn from points in Nebraska to Colorado points.
3966. Complains of cancellation of regulations governing c. o. d. shipments of fish.
3967. Refusal of railroad to redeem unused portion of two tickets.
3968. Excessive charges on express package from Phillipsburg, Pa., to Palisades Park, N. J.
3969. Insufficient assortment of coupon tickets at De Funiak Springs, Fla., for long-distance travel.
3970. Overcharge on shipment of fertilizer from Memphis, Tenn., to Mena, Ark.

3971. Excessive rate on wagons from Springfield, Mo., to Rogers, Fayetteville and Springdale, Ark.
3972. Excessive and unreasonable rate on jack pine cones from Lewiston, Mich., to Sturgeon Bay, Wis.
3973. Discrimination in rates on lumber from Paxton, Fla., to Baltimore, Philadelphia, Jersey City, New York, and Boston, as compared with rate from Arlington, Ga., to same points of shipment.
3974. Refusal of the Delaware, Lackawanna and Western Railroad Company to grant privileges of stop-over and reconsignment at special rate on shipment of live stock from Cortland, N. Y., to Hoboken, N. J.
3975. Unjust and unreasonable charges on shipments of coal from Murfreesboro, Ill., to Festus, Mo.
3976. Excessive rate on car furniture from Bloomington, Ind., to Jonesboro, Ark.
3977. Refusal of railroad to consider claims for loss of goods unless supported by original letter from consignee advising that shipment did not reach destination.
3978. Overcharge on shipment of slack coal from Pittsburg, Kans., to Omaha, Nebr.
3979. Unusual delay in transportation of grain from Kansas City, Mo., and Council Bluffs, Iowa, to Columbia, Mo.
3980. Complains of rating on sheet zinc plated and polished as compared with rating on sheet zinc.
3981. Excessive charge made in connection with an excursion from Weldon, N. C., to Richmond, Va., and return.
3982. Inability to get supply of cars to ship wood.
3983. Higher rate on lumber from milling points on Morgan's Louisiana and Texas Railroad to New York than is charged by the Southern Pacific Company on like shipments from Lake Charles, La., to same destination.
3984. Unjust practices of express companies in handling shipments of poultry from Terrell, Tex., to New Orleans, La.
3985. Higher commodity rate and minimum carload weight on trees in bulk, released to value 3 cents a pound, from Huntsville, Ala., to Louisiana, Mo., than can be obtained by application of class rates.
3986. Alleges that the Pennsylvania Railroad Company will not accept shipments of coal at Pancoast, Pa., for points on the West Jersey and Sea Shore Railroad until new tariff is published.
3987. Inability to get cars to ship blue-grass seed from Stanbury, Mo., to Paris, Ky.
3988. Discrimination in rates charged for the transportation of advertising signs.
3989. Advance in rate from Avondale, N. J., to New York, N. Y.
3990. Overcharge on one horse shipped from Sumter, S. C., to Waynesboro, Va.
3991. Failure of the Chicago, St. Paul, Minneapolis and Omaha Railway Company to meet reduced rate on stock cattle received at South St. Paul, Minn., consigned to various points in Illinois and Wisconsin.
3992. Higher rate on wheat from Jefferson, Okla., to Memphis, Tenn., than from Lincoln, Nebr., to same point of destination over same line.
3993. Discontinuance of ferry-car service to small shippers on the lines of the Pennsylvania Railroad.
3994. Alleges that the Southern Railway Company will not allow their cars to go on the Mobile, Jackson and Kansas City Railroad.
3995. Refusal of the Philadelphia, Baltimore and Washington Railroad to accept shipments of cotton waste at Baltimore, Md., destined New York, N. Y.
3996. Excessive rate on lumber from Paxton, Fla., to De Funiak Springs, Fla., via Florala, Ala., as compared with rate to Pensacola, Fla., from same point of shipment.
3997. Refusal of the Central Railroad Company of New Jersey to handle manure shipments at their Elizabethport, N. J., docks.
3998. Refusal of the Illinois Central Railroad Company to permit its cars to go to points beyond its road.
3999. Discrimination between individuals and dealers in rate on household goods from Washington, D. C., to Charlottesville, Va.
4000. Alleges that railroads charge less than carload rates on carload shipments of liquor from Kansas City, Mo., to Chicago, Ill., while from Cincinnati, Ohio, to Chicago the shippers enjoy carload rate.
4001. Excessive freight charges on shipment of household goods, less than carloads, from Palisades Park, N. J., to Hobgood, N. C.
4002. Refusal of the Grand Trunk Railway to furnish refrigerator cars unless the destination of each car be given in advance.

4003. Serious delays in the transportation of shipments from Cleveland, Ohio, to West Virginia points.
4004. Refusal to refund unused portion of ticket from Duluth, Minn., to San Francisco, Cal., and return.
4005. Refusal of the Delaware, Lackawanna and Western Railroad to allow him to put in a switch at Berwick, Pa.
4006. Unreasonable delay in placing car loaded with coal on consignee's sidetrack after arrival at Macon, Ga.
4007. Inability to get cars to ship long timber from Seattle, Wash., to New York, N. Y.
4008. Refusal of the Southern Pacific Company to furnish cars for transportation of cotton seeds from points on their line to Gulfport, Miss.
4009. Higher rate on corn from Farmer City, Ill., to Christiansburg, Va., than from same point of shipment to Roanoke, Va.
4010. Excessive rates from Macon, Ga., to points in Alabama and also New Orleans, La., on scrap iron, as compared with rates from Atlanta, Ga., to same points.
4011. Failure to get cars to move lumber from Hawkinsville, Fla., to Michigan City, Ind.
4012. Protest against the assessment of reconsignment charge published in Missouri, Kansas and Texas Railway supplement, No. 25.
4013. Excessive express charges on a package shipped from Buffalo, N. Y., to Richmond, Va.
4014. Overcharges on shipments of coal from Huntington, Bonanza, and other mines in Arkansas to Kansas City, Mo., and Wichita, Kans.
4015. Higher rate on wheat, carloads, from Hartland, Minn., to Cedar Falls, Iowa, than is charged to Minneapolis, Minn.
4016. Eleven claims for overcharge on hay, carloads, shipped from Leroy, Piqua, and Edna, Kans., to Kansas City, Mo.
4017. Discrimination in rates on apples from Kansas City common points to Sioux City, Iowa, as compared with rate on like shipments from Kansas City to St. Paul and Mississippi River points.
4018. Higher rates on buggies (carloads) from Rock Hill, S. C., to Mississippi points than to Texas common points.
4019. Overcharge on one car of flour shipped from Sleepy Eye, Minn., to Hammond, La.
4020. Delay in handling shipments, resulting in payment of demurrage on equipment.
4021. Unjust and unreasonable rate by express on shrubbery from Johnson City, Tenn., to Ukiah, Cal.
4022. Excessive rates on fish by express.
4023. Refusal by the Illinois Central Railroad to furnish refrigerator cars for transportation of ice from Kentwood, La., to Mississippi points.
4024. Overcharge on shipment of paraffin wax from Pittsburg, Pa., to Newport, N. Y.
4025. Refusal of the Grand Rapids and Indiana Railway to forward shipment of household goods from Harbor Springs, Mich., to Indianapolis, Ind., except under certain conditions.
4026. Complains of difference in classification of oil in Iowa and the States north thereof.
4027. Classification of sectional cement burial vaults in territories governed by the Official and Western classifications.
4028. Failure on the part of the Erie Railroad Company to comply with the law regarding posting of tariffs at Palisades Park, N. J.
4029. Excessive rate on one carload of yearlings and 2-year-old colts from Chicago, Ill., to Bellefontaine, Ohio, as compared with rate on like shipments from Dickinson, N. Dak., to Chicago, Ill.
4030. Inability to get cars at Hartland, Ohio, for shipment of hay.
4031. Failure on the part of the St. Louis and San Francisco Railroad to furnish cars at Hazleton, Ind., for the transportation of stock shipments.
4032. Alleges that leading express companies purchase various commodities for transportation and sale, such practice being destructive of the business of legitimate fruit and produce merchants.
4033. Excessive passenger fare from Anniston, Ala., to Oltewah, Tenn., as compared with fare from Anniston to Chattanooga, Tenn.
4034. Failure on the part of railroad company to furnish cars to take care of shipments tendered them.
4035. Excessive express rates on cantaloupes from Rocky Ford, Colo., to Kansas City, Mo.

4036. Unjust and unreasonable classification of egg-case material.
4037. Higher rate on roots and herbs from Fond du Lac, Wis., to Pacific coast points than the rate on drugs from and to same points.
4038. Classification of poultry for ordinary purposes and fancy poultry, by express, not plain enough for ordinary agents to understand.
4039. Classification of paper boxes, flat, in bundles, crates, or boxes, carloads, between points in Central Freight Association territory.
4040. Excessive train fare collected by a conductor from Clarksville, Va., to Jeffres, Va., while en route from Oxford, N. C., to Danville, Va.
4041. Excessive charge on shipment of a box by express from Hobgood, N. C., to Palisades Park, N. J.
4042. Embargo on all shipments of hay and straw going to the Twenty-third and Arch streets station, Philadelphia, Pa.
4043. Excessive rates on canned goods from Menlo, Ga., to Birmingham, Ala.
4044. Excessive rate on one cask of beer from Mobile, Ala., to Union Springs, Miss., as compared with rate on like shipment from Mobile to Hattiesburg, Miss.
4045. Damage on account of diversion of freight shipped from Wadsworth, Ohio, to Atlanta, Ga., in disregard of routing instructions inserted in the bill of lading.
4046. Excessive rates charged by the American Express Company at points where there is no competition.
4047. Unreasonable delay in handling grain shipments from Oklahoma and Kansas to Texas points.
4048. Unreasonable delay in furnishing cars for transportation of lumber from North Wilkesboro, N. C., to local and eastern points.
4049. Protests against paying charge for reweighing five cars of hickory logs shipped from Bristol, Tenn., to Hagerstown, Md., as the reweighing was necessary to detect overcharge on shipment.
4050. Discrimination on the part of the Southern Railway Company in furnishing accommodations for white and colored people.
4051. Overcharge on shipment of one bundle of wood signs from Palisades Park, N. J., to College Point, N. Y.
4052. Excessive fare collected by conductor on Norfolk and Western Railway train from Shenandoah Junction, W. Va., to Luray, Va.
4053. Overcharge on shipment of imported rubber from New York, N. Y., to Providence, R. I.
4054. Advance in rate on dry-kiln trucks from Cleveland, Ohio, to Pacific coast points.
4055. Unjust discrimination on the part of the Missouri Pacific Railway Company in depriving Towner, Colo., of station facilities.
4056. Failure on the part of the Chesapeake and Ohio Railway Company, to furnish cars for shipment of cross-ties from Keswick, Va., and other points, to Harrisburg, Pa.
4057. Excessive express charges on a bundle of wearing apparel shipped from Paris, Tex., to Wynnewood, Ind. T.
4058. Losses of shipments of seed over the Delaware, Lackawanna and Western Railroad and delay in consideration of claims.
4059. Unjust discrimination on the part of the United States Express Company in demanding prepayment on shipments of fish from Bay City, Mich., to New York, N. Y.
4060. Alleges that the Illinois Central Railroad Company furnished them a car which was not large enough to hold the minimum prescribed by the tariff.
4061. Refusal of the Illinois Central Railroad Company to allow their equipment to go to points beyond their rails.
4062. Excessive rates by express on fruit shipments from various points to Johnson City, Tenn.
4063. Failure on the part of the Southern Railway Company to furnish a large car to ship furniture from Mebane, N. C., to Stockton, Cal.
4064. Excessive "train rates" from Cincinnati, Ohio, to Lexington, Ky., as compared with "ticket rates" from and to same points.
4065. Refusal of the Chicago, Rock Island and Pacific Railway Company to establish a depot, etc., at Faunshawe, Ind. T.
4066. Failure on the part of the Southern Railway Company to quote through rates from Franklin, Va., to points throughout the country.
4067. Alleges that the Kansas City Southern Railway Company is making rates on cotton from Texas, via Shreveport and Port Arthur, to Liverpool, England, and have not a published tariff to cover same.

4068. Overcharge on shipment of a chair and package by express from Washington, D. C., to Exeter, N. H.
4069. Unreasonable delay on the part of the Atlantic Coast Line Railway Company in handling a carload of empty bottles from Tampa, Fla., to Milwaukee, Wis.
4070. Overcharge on shipment of lumber from Kingwood, Ga., to Springfield, Tenn.
4071. Unreasonable delay in forwarding coal shipments from mines on the lines of the Lehigh Valley Railroad in Pennsylvania to Warsaw, Ind.
4072. Alleges that the Texas and Pacific Railway Company are quoting higher rates on export cotton, via Galveston, from North Texas than via New Orleans.
4073. Protests against rule of the Illinois Central Railroad Company in not allowing its cars to go to points beyond its own rails.
4074. Refusal of the Northern Pacific Railway Company to furnish cars in which to load shingles at Centralia and Chehalis, Wash., for points in Kansas and Nebraska via routes over which through rates are published.
4075. Excessive rate on household goods, less than carloads, from San Francisco, Cal., to New Orleans, La.
4076. Refusal of Wells, Fargo and Company Express to adjust certain claims for damage to goods; also alleges unjust discrimination in refusal to accept goods for shipment unless prepaid in currency.
4077. Unreasonable rates on furniture from Mount Airy, N. C., to Webb City, Mo.
4078. Refusal on the part of the Baltimore and Ohio Railroad Company to move a car of sand from Hancock station to Alexandria, Va.
4079. Excessive freight charges on a shipment of household goods, less than carload, from Washington, D. C., to Salem, Va.
4080. Refusal by the Kishacoquillas Valley Railroad to grant permission to put in a siding at Belleville, Pa.
4081. Excessive rate by express on celery from Arkport, N. Y., to Richmond and Virginia points; also excessive rates on eggs from North Carolina points to New York, N. Y.
4082. Excessive freight charges on shipment of one bull and one bull calf from Avon, Ill., to Winside, Nebr.
4083. Excessive rate charged by express on shipment of blank books from Niagara Falls, N. Y., to Shelby, N. C.
4084. Overcharge of $1 a car on coal shipped from points in Iowa to various firms on the Kansas City Belt Line tracks.
4085. Overcharge on a shipment of hardware from New York, N. Y., to Pine Bluff, Ark.
4086. Overcharge on one car of lumber from Bower, Ga., to Philadelphia, Pa.
4087. Refusal of the Delaware, Lackawanna and Western Railroad Company to establish through rates on coal from mines in Pennsylvania to Oneonta, N. Y.
4088. Alleges that it is impossible to secure delivery of freight from the depot of the Atchison, Topeka and Santa Fe Railway at Garden City, Kans.
4089. Misrouting of one car of coal shipped from De Soto, Ill., to Elroy, Wis., and consequent overcharge on the shipment.
4090. Delay in the transportation of car of lumber from Clay City, Ky., to Paterson, N. J.
4091. Excessive rate on knock-down pit cars from Fairmont, W. Va, to Hecla, Pa., as compared with rate on like shipments from Pittsburg, Pa., to New York, N. Y.
4092. Serious delays in delivery of lumber, carloads, from Columbia and Speedman, S. C., to Athenia, N. J.
4093. Overcharges on shipments of brass articles in carloads and less than carloads from Knoxville, Tenn., to Cincinnati, Ohio.
4094. Excessive rate on one car of lumber from Laurel, Miss., to Spencer, N. C., as compared with rates from Meridian, Miss., and New Orleans, La., to same point of destination.
4095. Excessive rates on coal over the Kansas City Southern Railway from Shady, Ind. T., to Fort Worth, Tex.
4096. Overcharge on shipments of hay from De Witt, Ark., to points on the Texas and Pacific Railway in Louisiana.
4097. Excessive rates on eggs and dressed poultry from Cynthiana, Ky., to Boston, Mass., as compared with rates on like shipments from Winchester, Ky., to same point of destination.
4098. Damage to a well-boring outfit shipped from Orange, Tex., to Leesville, La.; also that tools and other articles connected with shipment were stolen in transit.

4099. Unreasonable delay in transit of a carload of lumber from Valdosta, Ga., to Enola, Pa.
4100. Higher rate on scrap iron from Kankakee, Ill., to Fort Wayne, Ind., than from Chicago, Ill., to same point of destination.
4101. Failure to furnish cars for the shipment of fruits and produce from Rushville, N. Y.
4102. Excessive rates on flour and feed from Stuarts Draft, Va., to points in North Carolina and Virginia, in carloads and less than carloads.
4103. Inability to secure a sufficient number of cars in which to ship grain from Wightman, Iowa.
4104. Alleges that the statutory requirement for thirty days' notice of change in rate was disregarded by the Northern Pacific Railway Company in filing refrigerator tariff, Interstate Commerce Commission No. A—2992.
4105. Damage due to loss of shipment of plants in transit from Painesville, Ohio, to Dayton, Miss.
4106. Refusal of the Northern Pacific Railway Company to furnish cars for loading lumber to be shipped from points in the State of Washington to points in Nebraska, Kansas, Missouri, and Oklahoma, via Billings, Mont., and the Burlington Route.
4107. Alleges that the United States Express Company refuse to accept fish for shipment from Bay Port and Sebewaing, Mich., and Port Clinton, Ohio, to New York, N. Y., unless routed to final destination over the lines of United States Express Company.
4108. Unreasonable classification of sanitary house-cleaning vehicles.
4109. Higher rates on cement, carloads, from Siegfried and Coplay, Pa., to Jersey City, N. J., than from Nazareth, Pa., to same point of destination.
4110. Refusal of the Oregon Short Line Railroad to furnish cars for coal shipment to Payette, Idaho.
4111. Loss of shipment of lumber between Dowling Park, Fla., and Griffin, Ga.
4112. Higher rate on grain from Springfield and neighboring points in Illinois to Baltimore, Md., for export than is charged on grain products for export from and to same points.
4113. Delay in shipment of horses from Mount Ayr, Iowa, to Bloomington, Ill.
4114. Alleges that Adams Express Company collect at destination on prepaid shipments.
4115. Alleges overcharge on shipment of one barrel of fish from Haines City, Fla., to East St. Louis, Ill.
4116. Unreasonable rates by express on cigar shipments from Tampa, Fla., to Salisbury, N. C.
4117. Excessive rates on oranges from Sanford, Fla., to Savannah, and Atlanta, Ga., as compared with rates on like shipments from Sanford to New York, N. Y.
4118. Refusal to distribute carloads of fresh meats and poultry at different points in the Adirondacks while the same privilege is granted competitors.
4119. Poor services given by the Seaboard Air Line Railway at Rich Square, N. C.
4120. Excessive rate on scrap iron from Fletcher, Ohio, to Monessen, Pa.
4121. Refusal of the Baltimore and Ohio Railroad Company to quote rates on lime from Lime Kiln, Md., and Stephens City, Va., to points in Virginia, North Carolina, and South Carolina.
4122. Excessive rate charged on one car of lumber shipped from Morgan City, La., to Robinson, Ill., and reconsigned to Saginaw, Mich.
4123. Refusal of various railroad companies to move barley shipments from Buffalo, N. Y., to points on the Great Lakes.
4124. Excessive reconsignment charge on lumber, carloads, at Houston, Tex.
4125. Discrimination by carriers in freight rates against Fernandina, Fla., as a port of export, and in favor of other more northern ports.
4126. Excessive classification of grape juice in the Southern Classification territory.
4127. Refusal on the part of the Missouri, Kansas and Texas Railway Company to accord the same privileges at Plano, Van Alstein, and Howe, Tex., as are accorded at other points along the line.
4128. Excessive rate on brick, carloads, from Choccolocco, Ala., to Villa Rica, Ga., as compared with rate on like shipments from Atlanta, Ga., to Villa Rica.
4129. Unjust discrimination by the Missouri Pacific Railway Company in furnishing cars for loading of hay and grain for Arkansas destinations.
4130. Unreasonable classification of "Honey Boy" pop corn, candied, put in packages with advertising gifts of small value, to points in the southern territory.
4131. Excessive rate on bagging, carloads, from Norfolk, Va., to Shreveport, La., as compared with rate on like shipments from New York, N. Y., to Shreveport, via Norfolk.

4132. Excessive rate on lumber, carloads, from Strasburg, Va., to New York, N. Y., as compared with rate on same commodity from Strasburg to Buffalo, N. Y.
4133. Unjust discrimination on the part of the carrier in affording free transportation on meats, fish, oysters, etc., to the Rock Island Eating House at Santa Rosa, N. Mex.
4134. Overcharge on shipment of canned peaches, less than carloads, from Gulfport, Miss., to Demopolis, Ala.
4135. Discrimination in rates on cotton shipments from Independence, La., to New Orleans, La., as compared with rates from Amite, La., to New Orleans.
4136. Excessive rates applied by the Southern Express Company on shipments to points in the State of South Carolina.
4137. Inability to obtain carload rates on apples from points in West Virginia to Sumter, S. C., over the Baltimore and Ohio and the Cumberland Valley railroads.
4138. Overcharge on shipments of apples, carloads, from points in western New York to Mankato, Minn.
4139. Overcharge on one second-hand sawmill shipped from Pool Siding, Ark., to Wilmington, Del.
4140. Inadequate facilities provided by the Philadelphia and Reading Railway for the transportation of fruit from Pomerania, N. J.
4141. Excessive rate on potatoes, etc., from Mankato, Minn., to Roanoke, Va., as compared with rate from St. Paul, Minn., to same point of destination.
4142. Unreasonable delay on the part of the Southern Railway in adjusting claims on account of overcharges in rates.
4143. Unreasonable delay on the part of railroad officials in tracing lost shipments.
4144. Refusal to refund unused portion of ticket between New York, N. Y., to Newark, N. J.
4145. Overcharge on ties, carloads, from Wilcox and Ridge, Mich., to South Chicago, Ill.
4146. Overcharge on one car of hay shipped from Louisburg, Kans., to South Omaha, Nebr.
4147. Alleges that the Wells, Fargo and Company requirement of actual weights is unreasonable and discriminatory, and results in serious delays and heavy losses.
4148. Refusal of certain express companies to receive shipments destined to officers of other express companies represented at Racine, Wis.
4149. Delay in handling salt shipments from New Orleans, La., to Dothan, Ala.
4150. Excessive rates on fish, less than carloads, from Hudson, Fla., to Charleston, S. C.
4151. Insufficient supply of cars for shipment of coal to Waynesville, N. C.
4152. Overcharge in passenger fare from Buffalo, N. Y., to Cleveland, Ohio.
4153. Overcharge on one box of maple sirup from New Berlin, N. Y., to Kinsley, Kans.
4154. Overcharge on shipment of hay, carload, from Dennison, Ill., to Dillon, S. C., and forwarded to Washington, N. C.
4155. Excessive rate on lumber, carloads, from Newport, Tenn., to Marion, N. C., as compared with rate from same point of shipment to High Point, N. C.
4156. Discrimination in rates against South Boston, Va., and in favor of Norfolk and Richmond, Va., on shipments of coal from Pocahontas and Clinch Valley districts.
4157. Refusal of the New York Central and Hudson River Railroad to deliver cars to switch at Buffalo, N. Y., unless cars come over their lines.
4158. Higher rates on corn and corn products from Kansas City, Mo., to Cheneyville and Lamore, La., than from the same point of shipment to Bunkie, La.
4159. Higher rate on salt from Jacksonville, Fla., to Folkston, Ga., than from Savannah, Ga., to same point of destination.
4160. Excess weight charged on one car of lumber shipped from Denton, N. C., to Mariner Harbor, N. Y.
4161. Higher rates on trees and shrubbery from Johnson City, Tenn., to Salem, Mass., than from same point of shipment to Boston, Mass.
4162. Protests against proposed advance of rates on snapped corn; also alleges inadequate car supply for shipment of corn from points in Indian Territory.
4163. Alleges that the Atchison, Topeka and Sante Fe Railway will not forward shipment from Lamont, Ill., to Pawnee City, Nebr., although company issued bill of lading and at first declined prepayment of freight charges.
4164. Inability to get cars for movement of coal from Birmingham, Ala., to Rome, Ga.

4165. Discrimination against them and in favor of the Chilhowie Milling Company, in rates on coal to Chilhowie, Va.
4166. Refusal of the Philadelphia and Reading Railway to allow prepayment of freight on shipments of frogs and switches from Jenkintown, Pa., to points outside the State of Pennsylvania.
4167. Overcharge on shipment of mineral water from Harmarville, Pa., to St. Louis, Mo.
4168. Inability to get cars for shipment of cattle from Canyon City, Tex., to Kansas City, Mo.
4169. Overcharge on shipment of vault lights and castings from Cleveland, Ohio, to Baltimore, Md.
4170. Refusal of several fast freight lines to accept freight going out of Erie, Pa.
4171. Refusal of the Atlantic Coast Line Railroad to weigh shipments of coal at destination without extra charge.
4172. Refusal of the Chicago and Northwestern Railway to reconsign shipments of lumber at Manitowoc, Wis.
4173. Higher published rate on lumber from Morehouse, Mo., to Thebes, Ill., than may be obtained by combination on Cape Girardeau, Mo.
4174. Excessive rates charged on licorice root transported from wharf to factory in Philadelphia, Pa.
4175. Collection of double charges on a car of lumber shipped from Nashville, Tenn., to Chicago, Ill.
4176. Higher through rate on barley, carloads, from Milwaukee, Wis., to St. Louis, Mo., than combination of the rates to and from Chicago, Ill.
4177. Unjust discrimination in the distribution of cars at Chetopa, Kans.
4178. Alleges that rates on cannel coal over the lines of the Bessemer and Lake Erie Railroad are excessive as compared with rates on other coal.
4179. Excessive express rates on oysters from Baltimore, Md., to Mattoon, Ill., as compared with rates from same point of shipment to St. Louis, Mo., and East St. Louis, Ill.
4180. Excessive minimum weight charged on one car of hay shipped from Mont Ida, Kans., to South Omaha, Nebr.
4181. Overcharge on one crate of sewing machinery from Baltimore, Md., to Seattle, Wash.
4182. Alleges that the Wells, Fargo and Company Express requirement of actual weights is unreasonable and discriminatory.
4183. Higher rate on hides, less than carloads, from Asheville, N. C., to Bristol, Tenn., than in the opposite direction.
4184. Excessive rate on shrubbery, less than carloads, from Pineola, N. C., to Strafford, Pa.
4185. Excessive rate on lumber, carloads, from Gosnell, Ark., to St. Louis, Mo., as compared with rates from neighboring points to same point of destination.
4186. Refusal of Denver, Enid and Gulf Railroad Company to allow cars loaded at Fairmont, Okla., to go through upon reconsignment to Gainesville, Tex.
4187. Overcharge on shipments of petroleum oil and its products from Chicago, Ill., to Omaha, Nebr.
4188. Excessive rate on bituminous coal from Cumberland district to Charleston, W. Va.
4189. Losses on shipments of vegetables from Norfolk, Va., to Baltimore, Md., on account of unreasonable delay in transportation.
4190. Unjust treatment by carriers participating in the transportation of one carload of holly shipped from Potecasi, N. C., to Philadelphia, Pa.
4191. Detention of shipments of lumber, carloads, at Bird's Point and Illmo, Mo., subject to demurrage, reconsignment or switching charges when destined to points beyond Cairo and Thebes, Ill.
4192. Overcharge on nine cars of lumber shipped from Sidon, Miss., to St. Louis, Mo.
4193. Excessive rate on peach seed, carloads, from Petersburg, Tenn., to Sherman, Tex., as compared with rate from Fayettesville, Tenn., to same point of destination.
4194. Refusal of the St. Louis and San Francisco Railroad Company to move car loaded with flour from Enid, Okla., to Texarkana, Ark.
4195. Advance in rate on snapped corn by lines members of the Southwestern Tariff Committee, and reduction in minimum weight on the same.
4196. Refusal of carrier to set cars on sidetrack at Findlay, Ohio.
4197. Excessive rate on flax waste from Boston, Mass., to Unionville, Conn.
4198. Unreasonable delay in shipment of two cars of machinery from Atlanta, Ga., destined to Edenfield, Fla.
4199. Overcharge on one car of hay from Pittsburg, Kans., to Savannah, Ga.

4200. Discrimination in rate on pig iron from Birmingham district, Ala., in favor of Goshen, Ind., as against Kendallville, Ind.
4201. Higher rate on lumber, carloads, from Marmaduke, Ark., to Chicago, Ill., than from Jonesboro, Ark., to same destination.
4202. Protests against the Santa Fe Refrigerator Despatch Company and other private car line refrigeration charges as published by the Atchison, Topeka and Santa Fe Railway.
4203. Refusal on the part of the Pennsylvania Railroad Campany to give receipted bill of lading covering return of empty private tank cars.
4204. Overcharge on shipment of granite from Barre, Vt., to Rocky Hill, Conn., also excessive rate on shipment of granite from Barre, Vt., to Norwich, Conn.
4205. Loss of a barrel of blankets shipped from Bloomfield, N. J., to Leesburg, Va.
4206. Inability to get cars for shipment of grain from Sherman, Tex.
4207. Unreasonable delay in shipment of a car loaded with oats from Hobart, Okla., to Americus, Ga.
4208. Loss of 24 packages of household goods shipped from Ocala, Fla., destined to Prescott, Ariz.
4209. Overcharge by the Pullman Palace Car Company from Pittsburg, Pa., to Washington, D. C.
4210. Overcharge on shipment of a desk from Vinita, Ind. T., to Maysville, Colo.
4211. Inability to get Cumberland region coal over the lines of the Pennsylvania Railroad during the winter months.
4212. Unjust discrimination in the shipment of stone and granite to points in New Jersey.
4213. Discrimination by various express companies in requiring actual weights on shipments of fruits and vegetables originating in the State of Texas.
4214. Refusal on the part of the Baltimore and Ohio Railroad Company to deliver carload lots of flour and feed at Lorentz, W. Va.
4215. Unreasonable demurrage charges in connection with shipment of hay.
4216. Rates on lumber, carloads, from points on the Gulf and Ship Island Railroad to Anniston, Ala.
4217. Unreasonable adjustment of rates on cotton goods from Raleigh and Rockingham, N. C., to Colorado and Oregon points via Seaboard Air Line Railway.
4218. Unjust discrimination against legitimate shippers on the part of Wells Fargo and Company express in buying and shipping fruits and vegetables to points in the State of Arkansas.
4219. Refusal by the Fort Smith and Western Railroad to grant a switch connection at Weleetka, Ind. T., on fair and reasonable terms.
4220. Higher rate on river coal from Cincinnati, Ohio, to Indianapolis, Ind., than on other coal between same points.
4221. Unreasonable delay on carload shipment of hay from Harrisonburg, Va., to Newbern, N. C.
4222. Overcharge on two shipments of glass bottles, in crates, less than carloads, from St. Louis, Mo., to Little Rock, Ark.
4223. Excessive rate on grain shipped from Chicago, Ill., to Baltimore, Md., as a domestic shipment and subsequently exported from the latter point.
4224. Refusal of the Fort Smith and Western Railroad to receive shipment of 50 bales of cotton at Prague, Okla., for concentration at Guthrie, Okla., on account of alleged embargo laid by the Atchinson, Topeka and Santa Fe Railway on Guthrie compress.
4225. Excessive rate on bar iron, etc., in carloads, from East Chicago, Ind., to Burlington, Iowa, as compared with rate from Chicago, Ill., to same point of destination.
4226. Overcharge on one car of vehicles from Pontiac, Mich., to Las Vegas, N. Mex.
4227. Excessive rate on lumber from Bellwood, Ala., to Atlanta, Ga.
4228. Excessive rate on a threshing outfit from New Ulm, Minn., to Stacyville, Iowa.
4229. Excessive rates on paper cones from Camden, N. J., to Utica, N. Y.
4230. Damage by reason of waste and injury to goods in transit from Jacksonville, Fla., to Ormond, Fla.
4231. Excessive minimum charge on small shipments from Charlestown, S. C., to Washington, D. C.
4232. Excessive charges on shipment of rivets from Taunton, Mass., to San Francisco, Cal.
4233. Excessive rate charged on wool from Cleveland, Ohio, to Boston, Mass., as compared with rate on same commodity in the opposite direction.
4234. Unjust discrimination in the distribution of cars at Fort Scott, Kans.
4235. Excessive rate on lumber, carloads, from Madison, S. C., to Mount Vernon and New Rochelle, N. Y.

4236. Overcharges on 47 cars of glass sand shipped from Klondike, Mo., to Terre Haute, Ind.
4237. Higher rate from Yates City, Ill., to Chicago, Ill., than from Peoria, Ill., to Chicago.
4238. Advance in rates on vehicles from Flint, Mich., to Vicksburg, Miss.
4239. Overcharge on shipment of 13 barrels of pecans from Tarboro, S. C., to Savannah, Ga.
4240. Advance in rates on cotton from points in Oklahoma to Japan.
4241. Refusal of carrier to name a through rate from Bradley, Ill., to Willamsport, Ind.
4242. Excessive rate charged on shipments of lumber from Ocoonita, Va., to Hagerstown, Md.
4243. Refusal of the Baltimore and Ohio Southwestern Railroad to furnish car for shipment of hay from Leesburg, Va., to Charleston, W. Va.
4244. Discrimination in rates on corn from Chanute, Kans., to Galveston, Tex., as compared with the rate from Kansas City, Mo., to same point.
4245. Overcharge on one barrel of dried fruit shipped from Goiconda, Ill., to Oak Hill, Fla.
4246. Unjust discrimination in freight rates against Hastings, Minn.
4247. Refusal of the Western Passenger Association to make refund on 4,000-mile credential tickets on account of alleged nonfulfillment of contract.
4248. Discrimination in rates on clay, carloads, from Lucinda, Pa., to Troy, N. Y., as compared with rates to Black Rock, N. Y.
4249. Higher rate on cedar posts from Indian River, Mich., to Rollin, Mich., than the rate on same commodity in the opposite direction between same points.
4250. Overcharge on two cars of corn shipped from Union City, Okla., to North Fort Worth, Tex., destined to points beyond.
4251. Discrimination against McFall, Mo., in rates on lumber, carloads, from Arkansas, Texas, and Louisiana points.
4252. Excessive rate on telephones from Elkhart, Ind., to Kennewick, Wash., as compared with rate from Elkhart to Seattle, Wash.
4253. Excessive rate on turpentine from Gulfpoint, Fla., to New York, N. Y., as compared with rate from Pensacola, Fla., to New York, N. Y., on like shipments.
4254. Unjust discrimination through classification against pretzels, as compared with crackers.
4255. Higher rate on paraffine wax when shipped at actual weight than when shipped at estimated weight from Marietta, Ohio, to Philadelphia and Baltimore.
4256. Excessive rates on earth paint, carloads, from Iron Ridge, Wis., to Antlers, Ind. T., and Farmington, Mo.
4257. Higher passenger rates from Monroe, La., to Rockingham, N. C., than in the opposite direction between the same points.
4258. Excessive charges on one car of cotton seed oil cake from Tangier, Okla., to Glazier, Tex.
4259. Excessive rate on cotton yarn from Mobile, Ala., to Chicago, Ill., and Des Moines, Iowa.
4260. Overcharge on one case of coffee from Clarksburg, W. Va., to Lanes Bottom, W. Va.
4261. Discrimination in rates on earthenware from Pittsburg, Pa., and other points taking same rate to Texas points.
4262. Excessive charges on shipment of household goods from Staples, Minn., to Hawkeye, Iowa.
4263. Higher rates on tobacco from Bedford City, Va., to points in Arizona and New Mexico than to San Francisco, Cal.
4264. Advance in rate on sulphuric acid in tank cars from La Salle, Ill., to Indianapolis, Ind.
4265. Higher rates from points on the Wisconsin Valley division of the Chicago, Milwaukee and St. Paul Railway and the Ashland division of the Chicago and Northwestern Railway to intermediate points than are charged to Chicago, Ill.
4266. Overcharges on two carloads of horses shipped from Burnsville and Sutton, W. Va., to Harrisonburg, Va.
4267. Higher rates on school books by express from Philadelphia, Pa., to Dayton, Pa., than from New York, N. Y., to Dayton.
4268. Excessive rate on breakfast food from Battle Creek, Mich., to St. Paul, Minn.
4269. Failure of the Norfolk and Western Railway Company to furnish car for shipment of tobacco from Bedford City, Va., to Richmond, Va.
4270. Overcharge on 300 bales of compressed cotton shipped from Murfreesboro, Tenn., to Philadelphia, Pa.

4271. Refusal of the Erie Railroad Company to sell school commutation tickets to a pupil in a business school while such tickets are sold to pupils attending various other schools in New York, N. Y.
4272. Higher rate charged on shipment of rough mahogany lumber than is charged on hemlock, pine, oak, cherry, etc., from New York, N. Y., to Pompton Lakes, N. J.
4273. Damage due to unreasonable delay in transportation of a car of seed oats from Aubrey, Tex., to Jacksonville, Fla.
4274. Refusal of the Louisville and Nashville Railroad Company to stop a certain train at the station of Akin, Tenn.
4275. Excessive rate on one carload of peat shipped from Halifax, Mass., to St. Louis, Mo.
4276. Refusal on the part of the Pennsylvania Railroad Company to accept private tank cars; also alleges failure of railroad company to furnish tank cars for shipment of oil.
4277. Damage to a shipment of household goods from Pendleton, Oreg., to Seattle, Wash.
4278. Higher rate on jug ware, carloads, from Akron, Ohio, to Gainesville, Ga., than to Atlanta, Ga.
4279. Excessive rates on portable asphalt paving plants from Syracuse, N. Y., to various points in the United States.
4280. Alleges that classification applies unreasonable rates in the shipment of boots and shoes.
4281. Unjust discrimination against various shippers at Van Wert, Ohio, and in favor of merchants dealing in straw and hay.
4282. Excessive charges on shipment of 12 barrels of oil from Philadelphia, Pa., to Hartford, Conn.
4383. Higher rates on buggies from South Boston, Va., to points in Georgia, Alabama, and South Carolina than from western points to same destinations.
4284. Discrimination in freight rates against Dawson, Americus, Albany, and Cordele, Ga., from Ohio River and other points in the West, as compared with rates from same points to Macon and Columbus, Ga., and Eufaula, Ala.
4285. Higher rate on lumber from a point in Wisconsin to Sheedon, Iowa, charged by the Northwestern Line than is charged by competing carriers.
4286. Excessive charges on three horses shipped from Chicago, Ill., to Rochester, Ind.
4287. Overcharge on one car of hay shipped from Windson, Ohio, to Wilmington, N. C.
4288. Excessive passenger fare charged from Mount Carmel, Ill., to Albion, Ill.
4289. Higher through published rate on burlap bags from New Orleans, La., to Montgomery, Ala., than the combination based on the rate New Orleans to Mobile plus the rate beyond.
4290. Higher rate on salt from Cairo, Ill., to Jackson and Bogue Chitto, Miss., than to New Orleans, La.
4291. Higher rates from Pittsburg, Pa., to Creekside, Pa., than to Indiana, Pa.
4292. Refusal on the part of the Southern Railway Company to refund unused portion of 1,000-mile ticket.
4293. Unreasonable delay resulting in damage to shipments from the West to Richmond, Va.
4294. Excessive charges on two horses shipped from Richlands, Va., to Philadelphia, Pa.
4295. Excessive charges on a shipment of material from Sodus, La., to Douglas, Ariz.
4296. Higher rate on crude turpentine from Camden, S. C., to Fayettesville, N. C., than to Wilmington, N. C., from same point.
4297. Higher rates on scrap iron from Hoosick Falls, North Adams, and Greenfield, Mass., than from Troy, N. Y., to Worcester, Mass.
4298. Overcharge on one car of rough lumber from Huntingburg, Ind., to Grand Rapids, Mich.
4299. Failure of the Georgia Southern and Florida Railway Company to furnish sufficient cars for loading lumber at Cecil, Ga., to points on the Norfolk and Western Railway.
4300. Overcharge on shipments of live stock from Addison, Norvill, and Brooklyn, Mich., to Pittsburg, Pa.
4301. Discrimination between domestic and foreign shipments from New Orleans, La., to interior points.
4302. Refusal of the Louisville and Nashville Railroad to publish milling-in-transit rates for lumber from points on the Virginia and Southwestern Railway to Cincinnati, Ohio, available to complainants, although such privilege is granted a competing firm.

4303. Excessive rate on hay from Pana, Ill., to Danville, Va.
4304. Collection of freight charges on shipments from Ashland, Ohio, at destination, freight on which had been prepaid by shippers.
4305. Higher rate on grain from Boston, Mass., to points between Boston and Saranac Lake, N. Y., than from Boston to Saranac Lake.
4306. Lower rate on earth paint, carloads, from New York, N. Y., to Denver, Colo., than is charged from Chicago, Ill., to same points of destination.
4307. Overcharge on shipment of paper and bags from Rumford Falls, Me., to Fort Smith, Ark.
4308. Refusal by Southern Railway Company to accept shipments at Winston, N. C., for New York, N. Y., to be delivered to steamer line destined to points in Texas.
4309. Higher rates on horses from Courtland, Miss., to New Orleans, La., than from Memphis, Tenn., to same point of shipment.
4310. Refusal of carrier to pay for damage to a cabinet shipped from New York, N. Y., to Carteret, N. J.
4311. Overcharge on one car of paraffin wax shipped from Bradford, Pa., to Wadsworth, Ohio.
4312. Collection of double charges on shipment by express and refusal of express company to refund the overcharge.
4313. Higher rate on wheat, carloads, from Siloam Springs, Ark., to Kansas City, Mo., than from Kansas City, Mo., to Siloam Springs.
4314. Overcharge on shipment of household goods from Butte, Mont., to Santa Barbara, Cal.
4315. Overcharge on shipment of 51 barrels of flour from Lansing, Mich., to Morrisonville, N. Y.
4316. Excessive rating for valises and traveling bags in Official Classification, as compared with rating in Southern Classification on like commodities.
4317. Overcharge on a less than carload shipment of chairs from Gardner, Mass., to Philadelphia, Pa.
4318. Overcharge on five cars of bone meal shipped from St. Joseph, Mo., to St. Bernard, Ohio.
4319. Excessive rate on one carload of coal shipped from Coney, Ky., to Olympia, Ky.
4320. Refusal of the Louisville and Nashville Railroad Company to route shipments from Nelson, Ga., in accordance with the wishes of the shippers.
4321. Higher rate on wall plaster, carloads, from Blue Rapids, Kans., to Washington, Mo., than is charged to St. Louis, Mo., on like traffic from same point of shipment.
4322. Excessive rate on lumber, carloads, from Jonesboro, Ark., to Malden, Mo., as compared with rate from Jonesboro to St. Francis, Ark.
4323. Unreasonable delay in transportation of goods from Battle Creek, Mich., to Huntington, Ind.
4324. Overcharge on a carload of machinery shipped from Port Huron, Mich., to Evergreen, Ala.
4325. Higher rate from Chicago, Ill., to Hagerman, N. Mex., than from same point to Pecos, Tex.
4326. Higher rate charged on lime, carloads, from Woodville, Ohio, to Ashville, N. Y., than from same point of shipment to Jamestown, N. Y.
4327. Excessive freight charges on a mixed carload of timothy and flax seed shipped from Germania, Iowa, to Chicago, Ill.
4328. Damages caused by railroad placing embargo on brick shipments to the One hundred and thirtieth street station, New York, N. Y.
4329. Excessive rates on axles, springs, and rough iron castings from Monongahela City, Pa., to New York, N. Y.
4330. Refusal of Pennsylvania Railroad to give cars for loading barreled oil excepting tight box cars.
4331. Excessive freight charges on one box of drugs shipped from Peoria, Ill., to Oklahoma, Okla.
4332. Excessive rates on goods shipped from Parkersburg, W. Va., to Pittsburg, Pa., on Pennsylvania Railroad delivery, as compared with rate on like shipments on Baltimore and Ohio delivery.
4333. Higher rate on breakfast food from Boston, Mass., to Saco, Me., than from Boston to Portland, Me.
4334. Excessive rate on lumber from Lakewood, Fla., to Knoxville, Tenn., as compared with rates on same commodity from points in Mississippi to same point of destination.
4335. Overcharge on one car of silicon shipped from Baltimore, Md., to Everett, Mass.

4336. Unreasonable rates by express on shipments of strawberries from Currie, N. C., to points in the North.
4337. Exorbitant refrigeration charges on bulk cabbage from San Antonio, Tex., to South McAlester, Ind. T.
4338. Overcharge on shipment of coal from Indianapolis, Ind., to Mooresville, Ind.
4339. Higher rate charged on squared walnut logs than on round walnut logs from Chicopee, Mo., to New Orleans, La.
4340. Excessive rate on oak logs, carloads, from Bedington, W. Va., to Hagerstown, Md.
4341. Excessive rates on hay and straw from neighboring Ohio points to Fairmont, W. Va., as compared with rates charged on like traffic from points in Michigan to Fairmont.
4342. Overcharge on two cars of lumber shipped from Adel, Ga., to Peoria, Ill.
4343. Higher rate charged on grain for a shorter than for a longer haul.
4344. Excessive rate on lumber from West Lake, La., to Refugio, Tex., as compared with rate from same point of shipment to Beeville, Tex.
4345. Excessive charges on two shipments of fence wire, less than carloads, from Libertyville, Ill., to McBride, Mo.
4346. Discrimination in rate on lumber, carloads, to Russellville, Ky., when from stations on foreign lines.
4347. Overcharge on shipment of one car of lumber from Leaf, Miss., to Staunton, Va.
4348. Excessive charge for storage of 20 bags of pecans at Jacksonville, Fla.
4349. Discrimination on the part of certain roads in assessing drayage charges for delivery of freight in certain sections of Washington, D. C., north of Florida avenue.
4350. Higher rate charged on axles and springs, carloads, from Monongahela, Pa., to Spokane, Wash., than to Seattle, Wash.
4351. Higher rates on skewers, carloads, from Tawas City, Mich., to New York and Philadelphia than on hoops, headings, etc., from and to same points.
4352. Excessive charges on small shipments of shovels, scoops, and spades from Warren, Ohio, to various points.
4353. Overcharge on shipment of two cars of barley from Trenton, Nebr., to Lathrop, Mo.
4354. Excessive freight rates on stoneware from Marshall, Tex., to Sibley, La., as compared with rates on like shipments given to other shippers.
4355. Excessive charges on one car of corn shipped from Paris, Mo., to Carthage, Mo.
4356. Higher rates on nursery stock from Louisiana, Mo., to Grand Junction, Colo., than from Louisiana to Salt Lake City and Ogden, Utah.
4357. Damage due to unreasonable delay on shipment of goods from Nashville, Tenn., to Cureall, Mo.
4358. Overcharge on six carloads of brick shipped from Veedersburg, Ind., to Secor, Ill.
4359. Excessive rate on one barrel of oil from Kansas City, Mo., to Wamego, Kans.
4360. Overcharge on one car of shingles shipped from Collins, Miss., to Birmingham, Ala.
4361. Refusal of express company to receive heavy shipments at Johnson City, Tenn., excepting subject to delay.
4362. Excessive charges on shipment of household goods from Elmdale, Kans., to Sayre, Okla.
4363. Excessive rate on pig lead from Baltimore, Md., to Charleston, S. C.
4364. Discrimination in rates on grain shipped from Wichita, Kans., and other points to Texas points and milled in transit.
4365. Damage due to failure of railroad to deliver lumber at Eggleston avenue, Cincinnati, Ohio.
4366. Protests against proposed excessive increase in minimum carload weights on lumber and shingles eastbound from Oregon and Washington.
4367. Overcharge on one car of rice shipped from Beaumont, Tex., to Youngstown, Ohio.
4368. Absorption by the Illinois Central Railroad Company of bridge tolls on shipments from St. Louis, Mo., to Cairo, Ill., and not upon business from same point of shipment to Anna, Ill.
4369. Discrimination in rate on wrapping paper, less than carloads, shipped from Washington, D. C., to Charleston, W. Va.
4370. Excessive weight charged on one automobile shipped from Chicago, Ill., to Collinsville, Conn.
4371. Higher rate charged on oil cake from Minneapolis, Minn., to New York and Boston, for export, than is charged on flour from and to same points.

4372. Higher rate charged on oil cake to New York and Boston, for export, from Minneapolis, Minn., than is charged on flour from and to same points for export.
4373. Excessive rate on ammunition from Cincinnati, Ohio, to Utah common points, as compared with rates from New York to same points.
4374. Overcharge on one car of bituminous coal shipped from St. Louis, Mo., to Vinita, Ind. T.
4375. Unreasonable express charges from Augusta, Ga., to Monroe, Ala.
4376. Rates on soft coal from Virden and Carlinville, Ill., as compared with rates from same points of shipment to Chicago and Aurora, Ill.
4377. Excessive storage charges at Amite, La., as compared with like charges at New Orleans, La.
4378. Excessive rate on one car of mixed windmills and gas engines from Beloit, Wis., to San Angelo, Tex.
4379. Higher rates on handles, carloads, from Almyra, Ark., to Seattle, Wash., than to Portland, Oreg., from same point of shipment.
4380. Rate and minimum carload weight applicable to shipment of cement in carloads from Neodesha, Kans., to Memphis, Tenn.
4381. Overcharge on one car of emigrant movables from Moundville, Mo., to Mulhall, Okla.
4382. Rate on broom corn, carloads, from Mattoon, Ill., to Indianapolis, Ind., as compared with the rate from same point of shipment to Chicago, Ill.
4383. Excessive rate on oranges from California to Lexington, Ky., as compared with rate on same commodity to Cincinnati, Ohio, and New York.
4384. Excessive charges on one car of staves shipped from Kentucky to Allegheny, Pa., and reconsigned from that point to Pittsburg, Pa.
4385. Excessive rate on shipment of empty cans from Woodberry, Md., to Bel Air, Md.
4386. Overcharge on one car of alfalfa hay from Cooper, Tex., to Baton Rouge, La.
4387. Unreasonable rates for the transportation of excess baggage from and to various points in the United States.
4388. Excessive rate charged on one car of cement from Cementon, Pa., to Lake Charles, La.
4389. Higher rate charged on one safe from Hamilton, Ohio, to Eureka, Kans., than was charged on same article from Eureka to Hamilton.
4390. Overcharge on lumber shipped from points near Birmingham, Ala., to Money Point, Va.
4391. Excessive rate on grain from Eldorado, Ohio, to Statesville, N. C.
4392. Failure of the Chicago, Milwaukee and St. Paul Railway to meet reduced rates on stock cattle received at South St. Paul, Minn., consigned to various points in Illinois and Wisconsin.
4393. Excessive rate on handles, carloads, from Barnard, N. C., to New York, N. Y.
4394. Excessive charges on one car of lumber shipped from Lutcher, La., to Manchester, Iowa.
4395. Higher rate on cotton bagging and ties from Memphis, Tenn., to Buckner, Ark., than to Texarkana, Ark.
4396. Improper routing of a shipment of buggies from Marshall, Mich., to Lima, Ohio, resulting in delay.
4397. Higher rate on cattle, carloads, from Trenton, Mo., to Chicago, Ill., than from Kansas City, Mo., to Chicago.
4398. Rates on lumber from Zent, Ark., to Memphis, Tenn., as compared with rates from points on the Chicago, Rock Island and Pacific Railway to same point of destination.
4399. Unreasonable delay in transporting a car from Terre Haute, Ind., to Albany, Ga.
4400. Excessive charges on one car of agricultural implements from Chicago, Ill., to Milton, Kans., as compared with the charges on same from Chicago to Wichita, Kans.
4401. Higher rates charged on California coast products to Lexington, Ky., than to Cincinnati, Ohio.
4402. Overcharge on a shipment consisting of one box of pictures and four boxes of picture frames from Chicago, Ill., to Leesburg, Va.
4403. Misrouting of three cars of lumber shipped from Levi, S. C., to Philadelphia, Pa.
4404. Excessive rate on peaches by express from Smithsburg, Md., to New York, N. Y., as compared with rate from Hagerstown, Md., to same point of shipment.
4405. Overcharge on shipment of freight from Valdosta, Ga., to Aucilla, Fla.

4406. Excessive weight charged on seven cars of tin cans shipped from Davenport, Iowa, to Fort Scott, Kans.
4407. Unreasonable express charges from Mobile, Ala., to New Orleans, La.
4408. Overcharge in weight on five cars of hay shipped from Ben Franklin, Tex., to Shreveport, La.
4409. Excessive rate on coal from Bluefield, W. Va., to Lawrenceville, Va.
4410. Overcharge on one car of cement from Caledonia, N. Y., to Ashville, N. Y.
4411. Ice allowance of shipments of fresh fish, carloads, from Punta Gorda and St. Petersburg, Fla., to Columbia, S. C.
4412. Refusal of carriers at York, Pa., to grant stop-off privileges for shipments of stoneware in carloads, to be distributed along the line of the railroad.
4413. Irregularities in storage charges on oil in barrels at Chicago, Ill.
4414. Excessive rate on one car of corn shipped from Gilman, Iowa, to Yarrow, Mo.
4415. Overcharge on two cars of coal from Ehrmanvale, Ind., to Rockfield, Wis.
4416. Advance in switching charge on grain, carloads, from Troy, N. Y., to Mechanicsville, N. Y.
4417. Excessive rate charged on one box of books shipped from Madison, Wis., to Lead, S. Dak.
4418. Excessive rates on hogs, carloads, from Kansas City, Mo., to the City of Mexico.
4419. Excessive rate charged on one automobile shipped from Brattleboro, Vt., to Derby Line, Vt.
4420. Excessive rate on plate glass from Boston, Mass., to Biddeford, Maine.
4421. Excessive storage charges applicable to shipments consigned to St. Louis, Mo., from interstate points.
4422. Excessive rate on iron-bridge material from Clinton, Iowa, to Pacific coast points, as compared with rate on like commodity from Pittsburg, Pa., to same point of destination.
4423. Overcharge on six carloads of tomatoes from Miami, Fla., to Dallas, Tex.
4424. Overcharge on one buggy shipped from Lancaster, Pa., to Fallston, Md.
4425. Excessive switching charges on coal, carloads, to public team tracks in Kansas City, Mo.
4426. Overcharge on shipment of household goods, less than carloads, from Houston, Tex., to Greenwood, La.
4427. Overcharge on one car of cotton-seed meal shipped from Maysville, Ga., to Buckfield, Me.
4428. Overcharge on shipment of coal from Shawnee, Ohio, to Royerton, Ind.
4429. Excessive rate on sugar from New Orleans, La., to Macon, Miss., as compared with rate from New Orleans to Columbus, Canton, and West Point, Miss.
4430. Higher rate on mineral water, bottled and boxed, less than carloads, from Chicago, Ill., to Spokane, Wash., than from Waukesha, Wis., to same point of destination.
4431. Excessive rates on poultry food, less than carloads, from Sherman, Tex., to points in Louisana and Alabama.
4432. Excessive rates on coal from Rotterdam, N. Y., to Chicopee, Springfield, and Holyoke, Mass.
4433. Discriminatlon in freight which exists in classification of toilet paper resulting in disadvantage to shippers from Philadelphia, Pa.
4434. Refusal of the Chicago, Rock Island and Pacific Railway to route a carload of emigrant movables from Durant, Iowa, to Salem, Oreg., via Iowa and the Chicago and Northwestern Railway and connections.
4435. Overcharge on shipment of 150 barrels of apples from Charlotte, N. Y., to Greenville, S. C.
4436. Excessive rate on cotton goods by express from New York, N. Y., to Idaho Falls, Idaho.
4437. Refusal of carriers to name through rate on flour, carloads, from Clinton, Ohio, to Pittsburg, Pa.
4438. Excessive rate on coal from Pocahontas and other districts to Macon, Ohio, as compared with rates on like shipments to Cincinnati, Ohio.
4439. Unreasonable storage charges on goods at Cohoes, N. Y.
4440. Unreasonable delay in transportation of freight from Palisades Park, N. J., to Columbia, S. C.
4441. Excessive express rates from New York, N. Y., to Brooklyn, N. Y.
4442. Overcharge on one car of shingles and lumber from Wabeno, Wis., to Andres, Ill.
4443. Advance in rates charged by express companies from Fort Wayne, Ind., to New York, N. Y.
4444. Excessive advance in rate by express from New York, N. Y., to Lewiston, Me.
4445. Overcharge in weight on three cars of coal shipped from Madisonville, Ky., to Peoria, Ill.

4446. Excessive and unreasonable through rate on shipments of bagging and ties from Memphis, Tenn., to Rison, Ark.
4447. Overcharge on two cars of lumber shipped from Ford, Va., to Brooklyn, Md.
4448. Excessive rate on potatoes and apples shipped to Memphis, Tenn., from Norwood, Me., as compared with rate from Seymour, Mo., to same destination.
4449. Higher rate charged on oil cake from Minneapolis, Minn., to New York and Boston when for export than is charged on flour for export from and to same points.
4450. Overcharge on shipments of hay, carloads, from Minden, Mo., to Bloomington, Ill.
4451. Excessive rating in the western classification for second-hand engine and boiler, and rates on same from Chanute, Kans., to Joplin, Mo.
4452. Alleges withdrawal of proportional rate on Florida oranges and grape fruit, formerly in effect from Florida points to Jacksonville, Fla., when for beyond, and the substitution of the higher combination resulting from application of the local rate to Jacksonville.
4453. Unjust discrimination against colored passengers by the railways of the South.
4454. Overcharge in weight on shipments forwarded in cars exceeding the length of cars called for by the shippers.
4455. Excessive rate on one car of wrapping paper returned from Rutherford, N. J., to Parsons, W. Va., as compared with rate on same shipment in the opposite direction.
4456. Higher rates and greater minimum weight charged on shipments of lime than on cement.
4457. Rate on cattle, carloads, from Forman, N. Dak., to Stanwood, Iowa, as compared with rate from same point of shipment to Chicago, Ill.
4458. Refusal of the Pennsylvania Railroad Company to redeem unused portions of three excursion tickets from Philadelphia, Pa., to Blue Ridge, Pa., and return via Baltimore, Md.
4459. Rate on railroad ties from Williwanna, Pa., to Auburn, N. Y.
4460. Higher rate charged on shipments of pipe from Benwood, W. Va., to Newburg, N. Y., than is charged on shipments of other pipe manufacturers.
4461. Rates on ice, carloads, from Grand Rapids, Mich., to Chicago and Joliet, Ill.
4462. Protests against advance in rate on wheat for export from McPherson, Kans., to Galveston, Tex.
4463. Excessive rates by express from New York, N. Y., to Schnectady, N. Y.
4464. Excessive classification of "American" shocks or lightly silvered window glass in the Official Classification territory.
4465. Advance in rate on mineral water, bottled and boxed, less than carloads, from Pittsburg, Pa., territory, to Texas common points and Alexandria, La.
4466. Excessive freight charges on a car of lumber shipped from Houston, Tex., to Bellefonte, Pa.
4467. Rates on yellow-pine lumber from Malvern, Ark., to Guthrie, Okla.; and from Orton, Ark., to Fort Smith, Ark.
4468. Excessive rate charged on one car of wheat from Fort Cobb, Okla., to Fort Worth, Tex.
4469. Excessive rate on boots and shoes, carloads, from Boston, Mass., to Winston-Salem, N. C., as compared with rate on like shipments from Boston, to Richmond and Lynchburg, Va., and Atlanta, Ga.
4470. Higher rate on brick from Kansas gas belt to Lincoln, Nebr., than is charged on like shipments to Omaha, Nebr.
4471. Increase of rate on one carload of station meter shipped from Baltimore, Md., to Portland, Oreg.
4472. Excessive charges on shipment of crown filler from Detroit, Mich., to Cornwall, Ontario.
4473. Excessive rate on mixed carloads from Louisville, Ky., and St. Louis, Mo., to Meridian, Miss.
4474. Refusal to name through rate on cotton seed from points on the Midland Valley Railroad to Little Rock, Ark.
4475. Excessive express charges from Chicago, Ill., to Dillwyn, Va.
4476. Refusal to name rate on walnut logs from Fairplay, Mo., to New Orleans, La.
4477. Unreasonable delay in transportation of granite from Barre, Vt., to Penn Yan, N. Y.
4478. Excessive rate on potatoes, carloads, from Minnesota points to Chicago, Ill.
4479. Overcharge on a car of baled hay shipped from Martinsville, Ill., to Arcadia, Fla.
4480. Overcharge on shipments of hay from points north of the Ohio River to Rockymount, N. C.

4481. Excessive rate on one car of emigrant goods from Holland, Mich., to Chicago, Ill., as compared with rate on same shipment from Chicago to Hague, S. Dak.
4482. Excessive rate on lumber, carloads, from Blackstone, Va., to Wilkinsburg, Pa.
4483. Excessive charges by the Adams Express Company from and to various points.
4484. Excessive express charges on shipment from Minneapolis, Minn., to Kindred, N. Dak., and return.
4485. Discrimination in rates on compressed cotton from Union Springs, Ala., to Savannah, Ga., as compared with rates to Montgomery, Ala., and other points to Savannah.
4486. Exorbitant charges on shipment of one box of meal by express from Roanoke, Va., to Devon, Pa.
4487. Excessive rate on lumber from Bardwell, Ky., to Stoughton, Wis., as compared with rate on like shipments from Cairo, Ill., to same destination.
4488. Overcharge on one car of corn chops and bran from Kansas City, Mo., to Pekin, Ark.
4489. Damages to shipment of household goods from Pittsburg, Kans., to Boise, Idaho.
4490. Alleges that railroads charge demurrage on cars before placed in a position to load.
4491. Discrimination caused by different classification of the same kind of goods in the several classification territories.
4492. Excessive rate on pine lumber, carloads, from Troy, Idaho, to Pomeroy, Wash., as compared with rate from Portland, Oreg., to same point of destination.
4493. Refusal of carriers to accept hides in carload shipments at Fort Wayne, Ind., unless man is furnished to do all the labor of loading, while at other points the railroads handle hides at their own expense, etc.
4494. Charge by the Chicago and Northwestern Railway for storage of wire shipped to complainant at Sterling, Ill.
4495. Discrimination in rates from seaboard cities to Thomaston, Ga., as compared with rates on like traffic to Griffin, Ga.
4496. Excessive rate on wire from Trenton, N. J., to Dallas, Tex., as compared with rate on same commodity to Kansas City, Mo.
4497. Excessive rates from Grand Forks, N. Dak., to points in eastern Montana and Colorado.
4498. Classification of oil, carloads, in Central Freight Association territory.
4499. Return charges made on ponies and pigs sent to fairs for exhibit.
4500. Charge imposed by carrier in Detroit, Mich., for weighing cars on private scales.
4501. Overcharge on shipment of two wheels from Burlington, Iowa, to Exline, Iowa.
4502. Higher minimum weight on cattle shipments from New Salem, N. Dak., and points west thereof than from stations east of New Salem and points in Minnesota.
4503. Excessive rate charged on a shipment from Petersburg, Va., to Havre de Grace, Md.
4504. Overcharge on shipment of one car of lumber from Henderson Mounds, Mo., to Omaha, Nebr.
4505. Overcharge on shipment of one car of cattle from Deeth, Nev., to Reno, Nev., and discrimination shown in rates on like shipments in favor of the Nevada Meat Company.
4506. Excessive rate on two horses from Knoxville, Tenn., to Montgomery, Ala.
4507. Excessive through published rate on slack coal from mines on the Fort Smith and Western Railroad to Mount Pleasant, Tex., as compared with rates from Jenny Lind and Coal Hill, Ark., on like traffic, and combination of the locals to and beyond Texarkana, Tex.
4508. Discrimination relative to weight of oil per barrel, in less than carloads, charged by the Grand Trunk Railway.
4509. Discrimination against South Bend, Ind., and in favor of Chicago, Ill., in weights and rates on potatoes, carloads, from points near Fort Smith, Ark., to South Bend, Ind.
4510. Higher through published rate on cheese, less than carloads, from Plymouth, Wis., to Cairo, Ill., than can be obtained by combination of locals Plymouth to Chicago and Chicago to Cairo.
4511. Higher passenger fare from Boston, Mass., to Waterbury, Conn., than from Waterbury to Boston.
4512. Excessive rates on corn, carloads, from Helvey, Nebr., milled in transit at Athens, Nebr., and forwarded thence to Kansas City, Mo.

4513. Excessive freight rates from Chicago, Ill., to Boone Grove, Ind.
4514. Excessive rate on pig iron from Dayton, Tenn., to Spokane, Wash., as compared with rate on same class of shipments from Birmingham, Ala., and neighboring points to same destination.
4515. Higher rate on rolled barley, carloads, from southern California points to Kingman, Ariz., than is charged from like points of shipment to Prescott, Ariz.
4516. Excessive classification and rating of rural free delivery carriers' wagons in Official, Southern, and Western Classification territories.
4517. Discrimination against Fort Wayne, Ind., in rates on scrap iron from Fort Wayne and intermediate points to Chicago, Ill.
4518. Excessive charges on shipment of one car of emigrant outfit from Hartley, Tex., to Marfa, Tex.
4519. Discrimination by the carriers in absorption of switching charges on traffic originating at Mississippi River points as against shipments from Washington, Iowa.
4520. Discrimination in rates charged for river transfer at Mississippi River points.
4521. Overcharge on a tank car of tanners' oil from Elizabethport, N. J., to Big Stone Gap, Va.
4522. Excessive rates on lumber, carloads, from Delta and Sikeston, Mo., to Thebes and Cairo, Ill.
4523. Excessive rate on zinc glazier points between Peru and Chicago, Ill., as compared with rate on sheet zinc between same points.
4524. Refusal of the St. Louis and San Francisco Railroad to issue bill of lading covering three bales of cotton consigned to the Farmers' Union Warehouse and Compress Company, Houston, Tex., unless the same was indorsed "compress at Sapulpa, Ind. T."
4525. Unreasonable demurrage charges on shipments of coal demanded without notice of rejection of shipments.
4526. Excessive rates on shipments of baryta from Richland, Va., to Lucaston, N. J.
4527. Illegal rate charged on two tubs of Swiss cheese from Juda, Wis., to Denver, Colo.
4528. Excessive demurrage charges on a shipment of flour at Milledgeville, Ga.
4529. Excessive freight charges on one extension table from Muncie, Ind., to Bradentown, Fla.
4530. Damage due to unreasonable delay in the transportation of shipments from Barre, Vt., to Penn Yan, N. Y.
4531. Excessive rate on iron beds, carloads, from Richmond, Ind., to Little Rock, Ark., as compared with rates on like shipments from Muncie and Indianapolis, Ind.
4532. Excessive rate on one car of coal shipped from Lilly, Pa., to Vinita, Ind. T.
4533. Refusal of carriers to publish lower rate on glucose (raw material) than on glucose sirup.
4534. Excessive freight rates and switching charges of the Arizona and New Mexico Railway.
4535. Higher freight rates and passenger fares charged by carriers from the West to the East than is charged in the opposite direction over the same lines.
4536. Higher rate on fuse, carloads, from San Francisco, Cal., to Denver, Colo., than the rate on like shipments from Hamburg, Germany, to Denver.
4537. Excessive rate on grain, carloads, from Bushton, Ill., to Cleveland, Ohio.
4538. Refusal of carrier to refund a reasonable amount on the unused portion of a round-trip ticket from St. Louis, Mo., to Denver, Colo., and return.
4539. Discrimination caused by false reclassification of shipments of water-pipe and steam-pipe casing.
4540. Excessive rates on scrap iron, carloads, from Watertown, N. Y., to eastern Pennsylvania and Pittsburg points, as compared with rates from points in the vicinity of Watertown to same points of destination.
4541. Excessive rate on household goods from Pittsburg, Pa., to Somerset, Pa.
4542. Excessive express charges on a shipment from Allentown, Pa., to Palisades Park, N. J.
4543. Excessive rate charged on three carloads of cattle shipped from Piedmont, Mo., to De Soto, Ill.
4544. Excessive rate from Mount Olive, N. C., to Chicago, Ill., as compared with rate from Richmond, Va., to Chicago.
4545. Excessive rate on green salted hides, less than carloads, from Kensett, Ark., to Cairo, Ill., as compared with rate on like shipments from points south and north of Kensett.

4546. Unjust car service rules in Central Freight Association territory.
4547. Excessive freight rates on coal from Kinkora, N. J., to Columbus, N. J.
4548. Excessive rate on feed from western points to Columbus, N. J., as compared with rate on like freight destined to New York.
4549. Overcharge on shipment of oil-well machinery from Independence, Kans., to Ananias, La.
4550. Excessive rate on iron ore, carloads, from Great Meadows, N. J., to Wharton, N. J.
4551. Excessive rate on dressed granite from Montpelier, Vt., to Goldsboro, N. C., as compared with rate on like shipment from Montpelier, Vt., to Columbus, Ohio.
4552. Higher rate on peaches, carloads, from Port Clinton, Ohio, to Canton, Ohio, by one route than by another.
4553. Various claims for overcharge on shipments from Cuba, N. Y., to different points in the United States.
4554. Overcharge on shipment of glassware from Pennsylvania to Shreveport, La.
4555. Eight claims for overcharges on shipments of hay and straw from and to various points.
4556. Overcharge on one car of lumber shipped from Wabeno, Wis., to Troxell, Ill.
4557. Overcharge on four cars of hay from Narcissa, Ind. T., to South Omaha, Nebr., and on two cars of hay from Welch, Ind. T., to same point of destination.
4558. Unreasonable rate charged on shipment of 10 barrels of lubricating oil from Erie, Kans., to Joplin, Mo.
4559. Overcharge on a shipment of pressed brick from Birmingham, Ala., to Lagrange, Ga.
4560. Overcharge on shipments of sugar from Chicago, Ill., to Boone Grove, Ind.
4561. Higher rates on eggs from points in Tennessee to Cuba via Port Tampa, Fla., than rates from and to same points via Miami, Fla.
4562. Unreasonable rates applied by the Adams Express Company in Maryland.
4563. Higher rates charged on high explosives, carloads, than per contract entered into.
4564. Excessive rate on shipment of stone from Orleans County sandstone quarries, in New York State, to Cleveland, Ohio.
4565. Excessive rate on one car of apples, shipped from Doniphan, Mo., to Memphis, Tenn., as compared with rate from St. Louis, Mo., to same point of destination.
4566. Higher rate on household furniture from Salisbury, Vt., to Worcester, Mass., than was charged on like shipment in the opposite direction.
4567. Excessive rate on shipments of corn between Bowling Green, Ohio, and Mountforest, Mich., as compared with rate on same commodity from Bowling Green to Philadelphia, Pa.
4568. Refusal by railroad to reconsign carload shipment of locust pins in transit from Front Royal, Va., to Toledo, Ohio.
4569. Discrimination in rates from New Orleans and St. Louis to Brookhaven, Miss., as compared with rates to Hazlehurst and Jackson, Miss.
4570. Excessive rate on cotton from Lake City, Ark., to Jonesboro, Ark., as compared with rate on like traffic from Jonesboro to Memphis, Tenn.
4571. Advance in rate on paving blocks from Albion and Medina, N. Y., to Cleveland, Ohio.
4572. Overcharge on shipments of scrap iron, carloads, from Grinnell, Iowa, to Chicago, Ill.
4573. Overcharge on one car of hay shipped from Hepler, Kans., to St. Joseph, Mo.
4574. Overcharge on shipments of refrigerators from Buffalo, N. Y., to New Iberia, La.; and on stove-pipe elbows from Canal Dover, Ohio., to New Iberia., La.
4575. Excessive classification of box-ball alleys.
4576. Discrimination against Sandusky, Ohio., in advance in rate on lumber from Sandusky to points taking Pittsburg rates.
4577. Excessive passenger fare from Deadwood, S. Dak., to Rushville, Nebr.; also alleged excessive Pullman fare between Deadwood and Chadron, Nebr.
4578. Overcharge on one car of brick shipped from Leavittsburg, Ohio, to Struthers, Ohio.
4579. Inability to obtain rates on pine and gum logs to apply from Greenville, N. C., to Whaley, Suffolk, and Pinners Point, Va.
4580. Overcharge on a car of lumber shipped from Clarks, S. C., to Warrenton, Va.
4581. Higher rate on split peas from Port Huron, Mich., to New York, N. Y., than from points directly across the river in Canada to New York.

4582. Unreasonable switching charges on two cars of apples, one originating at Mount Grove, Mo., and one at Nichols, Mo.
4583. Discrimination in rates in favor of Cambridge, Md., and against other Maryland points.
4584. Damage due to unreasonable delay in handling shipment of lumber from Tifton, Ga., to Martinsville, Va.
4585. Failure of railroad to furnish cars for shipment of 1,000 tons of hay from Lake Andes, S. Dak., to Sioux City, Iowa.
4586. Overcharges on various shipments of empty beer packages returned to La Crosse, Wis., from different points.
4587. Overcharge on shipment of apples from Barker, N. Y., to Hawkeye, Iowa.
4588. Unreasonable and unjust storage charges on a box of books at Rosedale, Kans.
4589. Excessive rate on one car of old machinery from Ottawa, Ill., to St. Louis, Mo.
4590. Excessive rate on salt from Louisiana mines to Cullman, Ala., as compared with rate from same point to Birmingham and Decatur, Ala.
4591. Overcharge on one car of wheat shipped from Milton, Kans., to Galveston, Tex., for export.
4592. Weight charged on hard coal, carloads, when in cars of less capacity than the minimum weight provided.
4593. Overcharge on shipment of lumber from Lucedale, Miss., to Roanoke, Va.
4594. Refusal of the Pennsylvania Railroad Company to lighter 10 steel drums of gasoline in New York harbor destined to Rio Janeiro, Brazil.
4595. Overcharge on a shipment of lumber from Hewletts, Va., to Catonsville, Md.
4596. Higher freight rate from Gandsi, Miss., to Aurora, Ind., than is charged to Cincinnati, Ohio.
4597. Discrimination by the Oregon Short Line Railroad and the Southern Pacific Company against shippers to points on their lines in favor of shippers to interior points.
4598. Higher through rates on plug tobacco from Winston Salem, N. C., to States on the Knoxville division of Southern Railway than can be obtained by combination of the rates east and south of Bristol, Tenn.
4599. Higher rates on furnace limestone from Wampum, Pa., to New Castle, Pa., than from Chenton, Pa., to New Castle.
4600. Overcharge on a shipment of horses, vehicles, etc., less than carload, from Newport, R. I., to Washington, D. C.
4601. Higher through rate on scrapiron, carloads, from La Crosse, Wis., to Pittsburg, Pa., than combination of rates from and to same points based on Chicago.
4602. Higher rate charged by the Gulf, Colorado, and Santa Fe Railway on one car of peach seed from Guthrie, Okla., to Sherman, Tex., than obtained via the Missouri, Kansas, and Texas Railway.
4603. Overcharge on one car of hay from Lang, Kans., and one car of hay from Madison, Kans., to South Omaha, Nebr.
4604. Overcharge on one car of hay shipped from Yates Center, Kans., to South Omaha, Nebr.
4605. Overcharge on shipment of a carload of canned corn from Atlantic, Iowa, to Topeka, Kans.
4606. Unreasonable delay in placing a car loaded with flour for unloading at Charlotte, N. C.
4607. Overcharge in weight and rate on one car of lumber from Lee, Ala., originally consigned to Elsberry, Mo., but subsequently reconsigned to Burlington, Iowa.
4608. Higher rates charged on lumber from points in south Arkansas, Louisiana, and Texas to St. Clair, Mo., than to Pacific, Mo.
4609. Unreasonable delay in transportation of shipment from Springfield, Mo., to Yellville, Ark.
4610. Excessive rates on household goods, carloads, and less than carloads, from Canadian points to Zion City, Ill.
4611. Higher through rate on wheat from Halls, Mo., to Chicago, Ill., than the combination of locals between the same points.
4612. Overcharge on one car of excelsior packing mats shipped from Sheboygan, Wis., to Marion, Ind.
4613. Excessive rates on coal from Cumberland-Piedmont regions to Palmyra, Monroe City, and Shelbina, Mo.
4614. Overcharge on one tank car of fuel oil from Moran, Kans., to Maplewood, Mo.
4615. Overcharge on shipment of a package by express from La Parte, Ind., to Springfield, Mo.
4616. Excessive rate charged on shipment of furniture, less than carload, from Chicago, Ill., to Dillwyn, Va.

4617. Excessive rate charged on a shipment of structural steel from Atlantic, Iowa, to Milton, Oreg., as compared with rate on same from Buffalo, Pittsburg, or Chicago.
4618. Higher through rate on wire fence from Adrian, Mich, to Minnesota points than the combination of locals between the same points.
4619. Confliction of tariffs on wheat bran, corn meal, and corn chops between Oklahoma, Okla., and Madill, Ind. T.
4620. Unreasonable delay in movement of a car of coal from Oakman, Ala., to Albany, Ga.
4621. Excessive rates from Chicago, Ill., to points in the South, as compared with rates from New York, N. Y., to the South.
4622. Higher rates charged by the Nashville, Chattanooga and St. Louis Railway from points on that line to Cincinnati, Ohio, than from more distant points on same line to same destination.
4623. Excessive express rates on shipments from Pittsburg, Pa., to Wittenburg, W. Va.
4624. Excessive rates on cash registers from New York, N. Y., to Texas common points.
4625. Exorbitant express charges to and from various points in the country.
4626. Overcharge on one car of melons shipped from Fruitland, Iowa, to Mankato, Minn.
4627. Excessive weight charged on a wood-sawing outfit, shipped from Middletown, Ohio, to Roanoke, Va.
4628. Higher rate on flour than on wheat from points in Kansas to points on the Pacific coast and in Arizona.
4629. Excessive rate on farm wagons from Lynchburg, Va., to Beverly, Ohio, as compared with rate on same from Chicago to same point of destination.
4630. Excessive rate on butter, carload, from Chicago, Ill., to Jersey City, N. J., as compared with rate to New York, N. Y.
4631. Overcharge on one car of apples shipped from Marionville, Mo., to Slayton, Minn.
4632. Excessive express charges on shipments of eggs from Atlanta, N. Y., to different points; also charges for return of cases to Atlanta, N. Y.
4633. Discrimination in freight rates on cement from Alpena, Mich., to Bay City, Mich., against complainant and in favor of a competitor.
4634. False classification of burned-out and exhausted incandescent lamps in Official Classification territory.
4635. Higher rates on apples, beets, and other vegetables, from Cincinnati, Ohio, to Thomson, Ga., than from Cincinnati to Augusta and Atlanta, Ga.
4636. Unjust descrimination in the distribution of cars at nonjunction points in Mississippi.
4637. Advance in rates by the Baltimore and Ohio Railroad from Alexandria, Va., to points on the Metropolitan Branch of said road.
4638. Excessive rate on hard coal, carloads, from East Buffalo, N. Y., to Boswell, Ind., as compared with rate from same point of shipment to points in the vicinity of Boswell.
4639. Overcharge on one car of flour shipped as wheat mixed with bran from Helena to Enid, Okla., and thence as flour and bran to Durant, Ind. T.
4640. Refusal of Pennsylvania Company to sell through sleeping-car berth from Cincinnati, Ohio, to Altoona, Pa., in conjunction with a combination of eastern and central 100-mile tickets.
4641. Excessive rates on shipments of live stock from Sigel, Ill., to Indianapolis, Ind.
4642. Overcharge on one car of sewer pipe from St. Louis, Mo., to Paducah, Ky.
4643. Inability to get cars for shipment of poles from Oregon, Washington, or Idaho to points in Utah.
4644. Inability to get cars for shipment of lumber and shingles from Monroe, La.
4645. Excessive rate on one car of goods shipped from Texhoma, Okla., to Stratford, Tex.
4646. Excessive rates on boxed meats from Buffalo, N. Y., to Carolina points.
4647. Overcharge on a shipment consisting of a carload of snowball washers, mixed with two snowball tubs, from Davenport, Iowa, to Waco, Tex.
4648. Overcharge on a shipment of lumber from Adel, Ga., to Hartford, Conn.
4649. Refusal of the Western Passenger Association to make refund on mileage ticket purchased in the name of one salesman the use of which was continued by his successor.
4650. Refusal of railroad to allow cars to leave its rails works a hardship upon shippers.
4651. Exorbitant express rates to and from various points in the United States.
4652. Overcharge on one car of roofing paper from Chicago, Ill., to Lexington, Nebr.

4653. Excessive rates on whisky from St. Louis, Mo., to points on the Mobile, Jackson and Kansas City Railroad.
4654. Discrimination in furnishing cars for shipment of potatoes at Presque Isle, Me.
4655. Overcharge on a car of iron from Marion, Ind., to Spokane, Wash.
4656. Overcharge on shipment of flour from Ishpeming, Mich., to Laurium, Mich., applying on shipments from Sleepy Eye, Minn.
4657. Excessive rate charged on shipments of telegraph poles from Block Duck and Funkley, Minn., to Omaha, Nebr.
4658. Inability to get cars for shipment of lumber from Red Springs, N. C.
4659. Excessive rates charged on shipments of wool, carloads, from Bellefourche, S. Dak., to Flint, Mich.
4660. Excessive rate on boxed granite monuments, carloads and less than carloads, from Louisville, Ky., to points south of Ohio River.
4661. Inability to get sufficient cars for movement of coal when reconsigned to points beyond the Chicago City limits.
4662. Excessive rate per barrel on paraffin wax from Clarendon, Pa., to Providence, R. I.
4663. Higher through rate on steel from Pittsburg, Pa., to Clinton, Iowa, than the combination of locals between same points.
4664. Overcharge on one car of naphtha oil shipped from Coraopolis, Pa., to Chillicothe, Mo.
4665. Overcharge on a shipment of two cars of flour from Purcell, Ind. T., to Brownsville, Tex.
4666. Rate on lumber from Live Oak, Fla., to Charleston, W. Va.
4667. Rule of the Western Classification committee governing rates on wooden ware when shipped in mixed carloads with ladders.
4668. Higher rates from Winona, Minn., to Cambria, Wis., than from St. Paul and Minneapolis, Minn., to same point.
4669. Exorbitant express charges from and to different points in the United States.
4670. Excessive rate on barbed wire from Rochelle, Ill., to Marengo, Ill., as compared with rate from Chicago to Rochelle.
4671. Excessive rate on bar iron, carloads, from St. Louis, Mo., to Joplin, Mo.,
4672. Overcharge in weight on one carload of vehicles shipped from Connersville, Ind., to La Plata, Md.
4673. Overcharge on four cars of coal shipped from West Virginia fields to South Bend, Ind.
4674. Refusal of the Missouri, Kansas and Texas Railway to accept a shipment of furniture for transportation over their line to Okmulgee, Ind. T., to be delivered there to the St. Louis and San Francisco Railroad for destination.
4675. Refusal of Toledo, St. Louis and Western Railroad to give through billing from New Richmond, Ind., to Philadelphia, Pa., covering shipments of grain.
4676. Overcharge on a shipment of old lumber from Muncie, Ind., to Robinson, Ill.
4677. Unjust discrimination in the distribution of cars at Ionia, N. Y.
4678. Inability to get cars for shipment of hay from Sparta, Mich.
4679. Unjust discrimination in the distribution of cars for shipment of coal.
4680. Inabiliaty to get cars for movement of grapes from points in the State of New York.
4681. Inability to get cars for shipment of cross-ties and lumber from points in the State of North Carolina.
4682. Discrimination in the distribution of cars for shipment of coal from points in West Virginia.
4683. Inability to get cars for shipment of lumber from Westlake, La.
4684. Discrimination in the distribution of cars at Collins, Ohio.
4885. Inability to get cars for shipment of lumber from Havana, Fla.
4686. Refusal of carrier to furnish cars for shipment of freight from Claredon, Ark.
4687. Refusal of carriers to furnish cars for shipment of freight from Benton Harbor, Mich.
4688. Failure of carrier to furnish cars for shipment of sheep from points in the State of Montana.
4689. Refusal of carriers to furnish 20 or 25 ton cars for shipments of coal from Chicago, Ill., to western points.
4690. Inability to get cars for shipment of hay from Elvaston, Ill.
4691. Inability to get cars for shipment of freight from McEwen, Tenn.
4692. Refusal of the Louisville and Nashville Railroad to allow cars to go to points beyond its rails.
4693. Inability to get cars for shipment of lumber from Wyatt, Mo.
4694. Inability to get cars for movement of grain from Dazey, N. Dak.

4695. Inability to get cars for shipment of cattle from Dalhart, Tex.
4696. Inability to get cars for shipment of cotton from Rich Square, N. C.
4697. Refusal of carrier to furnish cars for shipment of ties to Avondale, Pa.
4698. Inability to get cars for shipment of freight to Fort Monroe, Va.
4699. Protests against reconsignment charge on lumber shipments while in transit.
4700. Overcharge on two cars of horses shipped from Elgin, Oreg., to Mulhall, Okla.
4701. Insufficient cars for shipment of grapes from points along Lake Erie.
4702. Damages caused by delay in transportation of horses from Hazelton, Kans., to South McAlester, Ind. T.
4703. Unjust advance in rate on green salted hides from Asheville, N. C., to Lexington, Ky.
4704. Excessive rate on eight cars of phosphate rock from Hoboken Terminal to Old Forge, Pa.
4705. Inability to secure delivery of coal from the Pocohontas region to Montvale, Va.
4706. Absorption of switching charge on bituminous coal, carloads, at Cleveland, Ohio, on shipments destined to Newberry, Ohio, when from points in Pennsylvania.
4707. Higher class and commodity rates to Flagstaff, Ariz., and Tehachapi, Cal., from New York and Boston than to Pacific coast terminals.
4708. Excessive rates on scrap iron, carloads, from points in Indian and Oklahoma Territories to Iola, Kans.
4709. Failure of the Central New England Railway Company to publish through rates from points on their road to points beyond their lines.
4710. Excessive charges on one car of laundry machinery and one car containing stationary engine from North Judson, Ind., to Illmo, Mo.
4711. Overcharge on a shipment of nine barrels of whisky and three drums of bottled whisky from Cincinnati, Ohio, to Lecompte, La.
4712. Excessive rate on flour, carloads, from western points to Pemberton, N. J., as compared with rates from same point of shipment to Mount Holly, N. J.
4713. Discrimination in rates from Louisville, Ky., to South Hill, Va., as compared with rates from same point of shipment to Blackstone, Va.
4714. Unreasonable switching charges of the Cincinnati Northern Railroad in the vicinity of Jackson, Mich.
4715. Misrouting and consequent overcharge on one car of lumber shipped from Waverly, Tex., to Racine, Wis.
4716. Overcharge on several cars of lumber shipped from North Wilkesboro, N. C., to Brooklyn, N. Y.
4717. Overcharge in rates on shipments of harvesters from San Leandro, Cal., to points in Oregon.
4718. Refusal of the Chicago, Rock Island and Pacific Railway Company to accept grain in Indian and Oklahoma Territories when for Texas.
4719. Excessive rates on oil cans, less than carloads, from Delphos, Ohio, and on lamp goods, less than carloads, from Wheeling, W. Va., to Green Bay, Wis.
4720. Excessive express rates on sample cases of soap from Cincinnati, Ohio, to all parts of the United States.
4721. Overcharge on shipment of vinegar from Keokuk, Iowa, to Warsaw, Ill.
4722. Inability to get cars for shipment of coal from Fort Smith, Ark.
4723. Excessive rate on a car of fruit jars from Greenfield, Ind., to Calico Rock, Ark., as compared with rate from same point of shipment to Newport, Ark.
4724. Excessive switching charge from Clinton, Iowa, to Lyons, Iowa, on shipment of bank appliances from Hamilton, Ohio.
4725. Unjust switching charges on two cars of lumber originatiug at Mahonington, Pa., to be delivered at Youngstown, Ohio.
4726. Higher published through rate on petroleum and its products from Oil City, Pa., to Freeport, Ill., than the combination rate based on Chicago.
4727. Unjust classification of wall paper, or "paper hangings."
4728. Overcharge on 20 pieces of dressed stone shipped from Portland, Conn., to Eau Claire, Wis.

APPENDIX D.

SAFETY APPLIANCES AND RAILWAY ACCIDENTS.

SAFETY APPLIANCES.

REPORT OF THE CHIEF INSPECTOR OF SAFETY APPLIANCES TO THE SECRETARY.

INTERSTATE COMMERCE COMMISSION,
Washington, D. C., December 1, 1906.

Hon. EDWARD A. MOSELEY,
Secretary Interstate Commerce Commission.

SIR: Appended herewith is a table showing, for the past five years, certain results of inspection of safety appliances.

The summary is placed first that it may be borne in mind that a varying number of freight cars was inspected during each of these years, and, in order that the correct deduction may be had from these statistics it is requested that reference be had to the "number of defects per 1,000 cars inspected" shown immediately following the summary.

The main portion of the table is for the purpose of showing the proportion of any defect to others by direct comparison.

These figures, as an entirety, may be taken as a fair indication of the general condition of equipment throughout the country, although, by reason of the small inspection force and the great demands made on it by court proceedings, the inspection covered but a small actual portion of the rolling stock of the railways.

The condition of safety appliances is vastly improved.

Power brakes have received much attention, and the day when they will be operated on every car draws nearer. It is well understood that by no other means than keeping brake apparatus in first-class condition can complete control of a train be had at all times by the engineer.

The proposed revision of the Master Car Builders' "Standards for the Protection of Trainmen" is a long step in the right direction, and will, if adopted, give something like complete uniformity. It is apparent that an adjustment of sill steps so that each one will be at the same height above rail level is desirable.

While there is ample tendency among railway officials to accept Master Car Builders' standards as requirement of law, it would seem wise, if only as a complimentary proceeding, to legalize the aforesaid standards.

The following table shows, in five-year periods, statistics of accidents while coupling or uncoupling cars, to men whose duties call them to that work, and evidences a decrease in the casualty rate from this cause since August 1, 1900, when the safety-appliance law went into effect:

Five-year periods.	Average number of employees.	Number of employees killed.	Per cent of employees killed.	Number of employees injured.	Per cent of employees injured.	Total casualties.	Per cent of casualties.
1895–1899	211,713	855	0.404	27,577	13.05	28,432	13.4
1900–1904	275,646	972	.353	15,184	5.51	16,156	5.8

The condition of safety appliances on locomotives and passenger cars shows improvement.

The desirability of the use of automatic hose coupling was referred to in last year's report, and some progress has been made in the introduction of such devices. The practice of men going under the ends of cars to couple hose is fraught with grave danger, and the day should be hastened when railroad employees will be relieved of the necessity for so doing.

Respectfully submitted. J. W. WATSON, *Chief Inspector.*

SUMMARY.

	1906.	1905.	1904.	1903.	1902.
Freight cars inspected	271,617	252,361	208,177	220,140	161,371
Freight cars defective	30,742	57,112	65,183	60,083	42,712
Per cent defective	11.31	22.59	31.31	27.29	26.47
Defects reported	37,849	78,121	90,899	82,832	55,032
Passenger cars inspected	11,698	6,653	2,319	.....	.....
Passenger cars defective	136	118	42	.....	.....
Per cent defective	1.16	1.77	1.81	.....	.....
Locomotives inspected (since Mar. 1, 1904)	16,308	11,880	1,904	.....	.....
Locomotives defective	1,329	3,379	1,017	.....	.....
Per cent defective	8.14	28.41	53.41	.....	.....

NUMBER OF DEFECTS PER 1,000 CARS INSPECTED.

Classes.	1906.	1905.	1904.	1903.	1902.
Couplers and parts	12.42	23.06	31.96	29.97	26.72
Uncoupling mechanism	32.07	95.07	169.60	161.12	140.05
Air brakes	68.97	131.22	175.79	138.43	145.29
Hand holds	20.02	42.89	45.95	34.44	23.81
Ladders	1.29	3.87	5.32	5.61	.....
Sill steps	2.77	12.14	6.12	5.14	2.23
Height of couplers	1.78	1.66	1.82	1.53	2.90
All classes	139.34	309.56	436.56	376.24	341.00

COMPARATIVE CLASSIFIED TABLE OF EFFECTIVE SAFETY APPLIANCES ON FREIGHT CARS AS REPORTED BY THE INSPECTORS FOR THE INTERSTATE COMMERCE COMMISSION FOR THE YEARS ENDING JUNE 30, 1906, 1905, 1904, 1903, AND 1902.

Defects.	1906.	1905.	1904.	1903.	1902.
COUPLERS AND PARTS.					
Coupler body broken	53	50	92	47	164
Coupler body worn	20	40	79	6	7
Guard arm short	1	6	17	1	3
Knuckle broken	40	78	78	89	102
Knuckle worn	132	292	186	105	56
Knuckle missing	9	27	12	5	5
Knuckle pin broken	588	1,049	567	427	430
Knuckle pin wrong	204	428	391	348	212
Knuckle pin bent	27	61	40	17	.....
Knuckle pin missing	7	19	9	1	6
Lock block broken	220	552	745	636	371
Lock block worn	43	67	62	10	11
Lock block wrong	.....	37	49	77	110
Lock block bent	62	104	221	150	78
Lock block inoperative	186	319	415	364	216
Lock block missing	11	50	9	.....	14
Lock-block key missing	1,164	1,902	3,486	4,220	2,471
Lock-block trigger missing	608	740	197	86	55
Total	3,375	5,821	6,655	6,599	4,311
UNCOUPLING MECHANISM.					
Uncoupling lever broken	53	107	211	147	87
Uncoupling lever wrong	187	578	386	239	194
Uncoupling lever bent	863	2,076	2,609	2,995	2,021
Uncoupling lever incorrectly applied	144	736	1,094	1,886	2,110
Uncoupling lever missing	572	2,346	1,118	571	366
Uncoupling chain broken[a]	2,937	5,738	9,874	10,943	5,543
Uncoupling chain too long	628	3,442	5,056	6,588	4,060
Uncoupling chain too short	207	6 3	822	1,310	577
Uncoupling chain kinked	441	133	122	58	73
Uncoupling chain missing	36	364	3,164	440	176
End casting broken	124	242	342	458	239
End casting wrong	883	3,664	3,605	4,078	1,768
End casting bent	74	115	102	114	10
End casting loose	443	1,192	2,071	1,858	1,958
End casting incorrectly applied	168	377	376	.....	.....

[a] Includes, also, uncoupling chains parted by reason of defective clevises, etc., which were in previous tables shown separately.

COMPARATIVE CLASSIFIED TABLE OF DEFECTIVE SAFETY APPLIANCES ON FREIGHT CARS, ETC.—Continued.

Defects.	1906.	1905.	1904.	1903.	1902.
UNCOUPLING MECHANISM—continued.					
End casting missing	133	302	724	384	571
Keeper broken	203	462	812	764	508
Keeper wrong	10	26	45	74	141
Keeper bent	3	17	19	.....	.....
Keeper loose	536	1,203	2,124	164	1,739
Keeper incorrectly applied	19	75	76	.....	.....
Keeper missing	41	154	481	335	111
Clevis-pin key missing	.....	.....	.....	7	762
Angle clip loose	3	11	15	20	.....
Angle clip missing	.....	.....	60	38	1
Total	8,711	23,993	35,308	35,471	22,601
AIR BRAKES.					
Triple valve defective	4	9	3	1	5
Triple valve missing	5	3	3	.....	.....
Reservoir defective	1	4	4	93	2
Reservoir loose	129	359	193	.....	.....
Cylinder defective	1	.....	1	97	1
Cylinder loose	210	366	590	.....	.....
Cylinder and triple valve not cleaned within twelve months.	3,504	11,885	13,458	10,081	7,670
Cylinder and triple valve not stenciled with date of cleaning.	428	2,100	1,865	2,652	3,428
Cut-out cock defective	177	178	190	189	117
Cut-out cock missing	.....	1	3	.....	.....
Release cock defective	30	58	88	64	36
Release cock missing	137	24	50	.....	.....
Release rod broken	41	145	141	150	69
Release rod missing	2,101	3,836	3,793	2,418	1,188
Angle cock defective	447	810	693	430	214
Angle cock missing	87	59	112	100	16
Train pipe broken	44	65	110	75	121
Train pipe loose	1,112	1,312	1,495	912	559
Train-pipe clamp missing	29	19	.....	.....	4
Cross-over pipe defective	193	182	257	134	72
Cross-over pipe missing	.....	2	2	.....	.....
Hose defective	6	16	54	81	36
Hose missing	324	397	560	343	262
Hose gasket defective	.....	10	115	82	28
Hose gasket missing	.....	9	6	.....	.....
Retaining valve defective	69	129	184	189	136
Retaining valve missing	342	535	71	51	18
Retaining pipe defective	1,611	2,508	2,148	1,589	1,365
Retaining pipe missing	759	568	219	.....	.....
Brake rigging defective	56	120	160	218	186
Brake cut out; not carded	6,852	7,355	10,028	10,518	7,913
Brake cut out; card old	35	52	.....	.....	.....
No brakes of any kind	.....	.....	.....	1	1
Total	18,734	33,116	36,596	30,473	23,447
HAND HOLDS.					
Hand hold broken	41	127	151	109	29
Hand hold bent	1,245	2,745	3,990	3,490	1,661
Hand hold loose	254	325	442	506	358
Hand hold incorrectly applied	335	269	566	1,502	127
Hand hold missing	3,461	7,359	4,417	1,975	1,668
Total	5,439	10,825	9,566	7,582	3,843
LADDERS.					
Ladder round broken	22	49	26	36	.....
Ladder round bent	131	291	632	700	.....
Ladder round loose	90	164	182	474	.....
Ladder round missing	36	183	116	83	.....
Ladder loose	4	8	5	.....	.....
Ladder incorrectly applied	69	284	147	234	.....
Total	352	979	1,108	1,236	.....
SILL STEPS.					
Sill step broken	13	28	32	39	12
Sill step bent	162	351	521	713	180
Sill step loose	33	113	126	170	169
Sill step incorrectly applied	55	13	9	.....	.....
Sill step missing	490	2,559	601	211	.....
Total	753	3,064	1,289	1,133	361

COMPARATIVE CLASSIFIED TABLE OF DEFECTIVE SAFETY APPLIANCES ON FREIGHT CARS, ETC.—Continued.

Defects.	1906.	1905.	1904.	1903.	1902.
HEIGHT OF COUPLERS.					
Coupler too high	111	91	45	54	26
Coupler too low	293	167	115	133	187
Carrier iron loose	81	161	217	151	256
Total	485	419	377	338	469
Grand total	37,849	78,217	90,899	82,832	55,032

UNITED STATES *v.* CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

(In the United States district court for the northern district of Iowa, central division.)

SYLLABUS BY THE COURT.

1. All commerce in the United States is under control of either a State or of the nation, and it can not be justly claimed that any of such commerce falls within the power of neither; and when merchandise is carried from one State into another, no system or scheme can be devised to make it intrastate traffic.
2. The undoubted purpose of Congress in enacting the safety-appliance laws was humanitarian and such statutes should not be frittered away by judicial construction.
3. Two of the purposes for which the safety-appliance act of 1893 was amended by the act of 1903 were: (1) To include certain vehicles omitted by the former statute; and (2) to include cars "used" by an interstate carrier on any part of its line The original statute was broadened and not restricted by substitution of the word "use" for the words "haul and use."
4. When an interstate carrier hauls cars considerably damaged by derailment, so that the coupling devices are gone, 379 miles past three or more places where repairing is done, in order to make the repairs at larger and better equipped shops, it violates the safety-appliance law.
5. Where a coupler couples by impact, but can not be uncoupled unless the brakeman or switchman goes between, or over, or under the cars, or around the end of the train, in order to reach the appliance on the connecting car, such a coupling is defective and prohibited by law.
6. A carrier operating its own construction train, which hauls its own rails and products from a point in one State to a point in another State, is engaged in interstate commerce.
7. If an interstate carrier receives and hauls a defectively equipped foreign car, which it can not be required to do, it violates the Federal safety-appliance acts.

CHARGE OF THE COURT.

(*November 27, 1906.*)

SMITH MCPHERSON, district judge (charging jury):

This case has been fully heard by the court and jury on oral testimony, at the close of which each party moved for a peremptory direction for a verdict under every one of the four counts of the petition.

It is my custom, and, as I think, my duty, when taking a case from the jury, to explain why that body can have nothing further to do in the case. I assuming all responsibility.

This is an action by petition, under direction of the Attorney-General, on information of the Interstate Commerce Commission, against the defendant company for four alleged violations of the acts of Congress of 1893 (amended 1896) and 1903 relating to coupling and uncoupling devices.

The act of 1893 makes it unlawful for a company to do certain things:

First. To haul a car.

Second. To permit the car to be hauled.

Third. To use or permit a car to be used.

All three of these prohibitions are with reference to cars on the lines of the company within this judicial district.

And the prohibitions are with reference to cars used only in interstate traffic, and which cars are not equipped with couplers coupling automatically by impact, and which cars can be uncoupled without the necessity of men going between the ends of the cars.

It is contended with much earnestness that as this is a penal statute the statute must be strictly construed.

This point need be elaborated but little. It is an elementary rule of construction, and the statute can not be broadened by construction so as to cover acts or omissions not clearly within the spirit and language of the statute.

But while this is conceded, another rule equally important and as clearly established is that statutes are not to be frittered away by courts by construction. A statute, like a contract, must be held up by the four corners and examined, and when remedial in its nature it must be examined in the light of its history and its purposes, and the then existing evils, which were to be corrected, remedied, and prevented.

The statutes, and particularly that of 1903, are assailed as being beyond the power of Congress.

I shall devote but little time to argument as to this. I shall state my views, and then leave that phase of the case.

As every one knows, it at times is difficult to state whether certain traffic is within the power of a State or that of Congress. But we all agree that, generally speaking, when the traffic starts from, is carried, and ends within the one State, Congress can not regulate it, and that the State only can do so; and, generally speaking, we all agree that when the traffic starts from within one State and is carried to a point within another State, the State can not regulate it, and Congress alone can do so; and particularly is this so when Congress has legislated with reference thereto.

The only dissent that can be urged against the foregoing is one phase of the question not covered by the facts of this case, and not necessary to now state.

In so far as commerce can be regulated or controlled, it falls within the power of a State or of Congress. To say that it falls within the power of neither is to argue an absurdity, and to say that up in the air somewhere is a subject-matter not grappled with by either the State or nation.

I do not for one moment believe in that kind of talk. It is due to counsel to say that no such argument was made in this case, but it is often made.

It is enough to know and state that in the case now for decision questions of interstate traffic alone are presented, which will be noticed later on, connected with which were the evils to be remedied, corrected, or prevented.

It is within the knowledge of most men that back of a few years ago, when the pin and link couplers were in use, it was of almost daily occurrence for a heavy freight train to break into two parts. This was unavoidable because of the weakness of the couplers and the great amount of slack. The results were injuries to and deaths of employees and passengers in the way car or caboose, as well as the damage to property and particularly live stock.

But the greater evil to be corrected was the injuries to and deaths of those required to couple and uncouple cars.

Ten and more years ago every day we read of men killed in making and unmaking couplings. Seldom did we then meet a brakeman or switchman but who had been injured while at work. The court dockets, State and Federal, were in part made up of such personal injury cases.

The plaintiff charged negligence generally against the engineer, and the company denied that and pleaded contributory negligence on the part of the injuried man and that he assumed all such risks. Some of them recovered large judgments and others were defeated.

I do not know whether statistics are obtainable as to whether the judgments obtained against and expense incurred by the companies were greater than those incurred in putting on the automatic coupler. But aside from all that, an undoubted purpose of Congress was humanitarian. The purpose was to end the maiming and killing of the vast army of men engaged in railroad work. And that the results have been good one now needs but look at the court dockets and the men newer in the railroad service and read the statistics of the past few years.

But it is contended that one or more of the cars in question was not with reference to interstate traffic, and therefore not covered by the act of 1893, and that such car or cars were not in "use," and therefore not covered by the act of 1903. And this argument was made before me, because under the act of 1893 the car must have been "hauled or used" in interstate traffic.

Why was the statute of 1903 passed as an amendment to the prior act? Was there

an evil still existing under the former statute? If so, what was it? Was there a difficulty in enforcing the older statute? If so, what?

The older statute was with reference only to cars used in moving interstate traffic, regardless of whether it was a local road or one extending into several States. The reported cases, and the reports of the Interstate Commerce Commission, show that it was often difficult to prove for what traffic, local or interstate, the car was being used, and without such evidence neither State nor national prosecution could be carried on. And therein the older statute was thought to be defective. And to cure that defect, the later statute covers all cars used on any railroad engaged in interstate traffic, regardless of whether the particular car was for local or interstate use.

The circuit court of appeals for this circuit had held August 28, 1902, in the case of Railway *v.* Johnson (117 Fed. Rep., 462), affirming the circuit court for the district of Utah, that the older statute did not cover a locomotive under the term "car." Knowing that other courts might adopt that construction, and knowing that all judges on the circuit within this circuit must follow such construction, Congress in the later statute required locomotives to be equipped the same as cars. And as to couplers no other changes were made. And as to locomotives the change was not necessary, because of the reversal of the circuit court of appeals by the Supreme Court, December 19, 1904, as will be seen by the report of the same case. (Johnson *v.* Railway, 196 U. S., 1.) But such reversal was not obtained until after the enactment of the later statute.

And yet in the face of this undisputed history, and these undisputed facts, counsel for defendant contend the later statute curtailed the provisions of the older statute. Such an argument only has force by adopting, and alone following the strict construction theory pertaining to penal statutes, which as to this statute was brushed away by the Supreme Court in the Johnson case, because while it is penal, yet it also is remedial. And because the older statute recited the words "haul and use," and the later statute the word "use," only, therefore, the word "use" only must be referred to with reference to cars engaged in local traffic on an interstate road. I have found no word in the history of these statutes to warrant such as being the purpose of Congress. If Congress could regulate the use it could regulate the hauling. The maiming and killing of men was what Congress was striking at. And I can conceive of no reason, and none was offered in argument, why Congress intended to abridge the older statute, while it was apparent that it was enlarged for the two purposes stated.

As to one count, the car was used or hauled but a short distance. But the car was employed both in interstate traffic and on an interstate road. And the distance can not be chopped up so as to make it partly State and partly interstate. None of the cases cited otherwise holding are of binding authority on this court, and the reasoning in the opinions are not at all persuasive to me.

The merchandise was to be and was carried from one State into another, and when such is the case no system nor scheme of bills of lading, waybills, transfers, or other schemes, necessary or devised, can make it State or local traffic. No single step in the entire distance can be taken and thereby get out from under the national statute, if there is one. Such are my views of the powers of Congress, the purposes thereof, and the construction to be given the two statutes.

It remains to present my views as to the several counts of the petition.

Count one.—That is with reference to a refrigerator car of another company, with the coupling devices gone and chained to a car of defendant. It was hauled from Elmira, Mo., to Dubuque, Iowa, thus chained, a distance of 379 miles. Near Elmira it, with several other cars, was derailed, thrown down an embankment, left on its side, and off its trucks. A wrecking crew, with two locomotives, in pulling it up to the track still further injured it, but placed the trucks under it, chained it to another car, and placed them in a train for Dubuque. These two cars, so far as made to appear, were not uncoupled in transit; and how many cars were taken out and put into the train within the 379 miles is not made known, nor how many brakemen or switchmen went between them to uncouple and gave up the effort can only be surmised. The excuse for taking it 379 miles thus chained is that at Dubuque the company has extensive shops for making permanent repairs, while at Kansas City, a short distance west of Elmira, and at three or more places between Elmira and Dubuque, the company was only equipped for making light repairs. A great part of the time of this trial was taken up with evidence as to whether the damage to the cars was of a light nature or such as required repairs of an extensive kind. If slight they could have been made at near-by points. If extensive, and which could be made only at Dubuque, then the evidence without conflict shows that this empty box car, with the trucks detached as they were, could easily have been placed on a flat car properly equipped. And all the witnesses who testified on the subject, defendants included, say that such is easily and often done.

And in my opinion defendant did not have the choice of methods, by abandoning the one quite or nearly as cheap, entirely safe, and adopt the other, which was a

menace to life at every stopping place for nearly 400 miles and, in my judgment, unlawful.

Second count.—This covers a car loaded with old steel rails taken from the tracks in Iowa and being hauled to a point in Illinois, to there be placed in side tracks or put to some other use by the company. The coupler would couple by impact, but could not be uncoupled without going between the cars, except as the attached car might have the appliance on that side of the car, where the brakeman or switchman might be, or by going over or under the cars or around the end of the train. The statute will admit of no such construction. Another defense pleaded is that as the company was hauling its own rails and would receive no compensation, it was not engaged in commerce or traffic. That is to say, that construction trains with cars both hauled and used, both locally and across State lines, and cars hauled and used, as just stated, for hauling its own products, can still be equipped with links and pins and fastened with chains, and can be carried back and forth over thousands of miles of roads. Counsel will not expect me to discuss that.

Third count.—The facts under this count for all practical purposes are the same as those under the second count. It was being taken from a point in Missouri across Iowa to a point in Illinois.

Fourth count.—The facts under this count have caused more discussion by counsel, and me more thought, than all other phases of this case. It was an Illinois Central Railroad car loaded with lumber, brought from a point in Arkansas to Ottumwa, Iowa, consigned to a manufacturing or industrial plant at the latter place. What company brought the car out of Arkansas is not made to appear. The Rock Island Company brought the car to Ottumwa, and that company placed it with a string of cars on the tracks of defendant, which in turn was to take it a few blocks to the house or plant of the consignee. By doing this with that car defendant is not only an interstate road, but was engaged in an interstate traffic. Soon after the car was placed on defendant's sidetrack two different efforts were made to uncouple it when in motion, and which uncoupling was made, as it only could be done, by a man going between the ends of the cars. One of the appliances was broken, but when or where is not made known, and the defect could not be detected by the eye. While these efforts to uncouple were being made inspectors of the Government witnessed the same, and made report thereof, this case, as to this count, being the result. The defendant's inspectors when the car was received, and at no other time, until after it was known that the Government inspectors had witnessed the foregoing, made no effort to inspect this and the other cars. Thereafter it was placed on other sidetracks until repaired, which was easily done by substituting for the defective appliance one kept in stock, and at a trifling and nominal expense. On this state of facts, in my opinion, the company is liable for the penalty of $100. Defendant's counsel have said much as to acts of necessity being a defense, and have cited many cases. The complete answer thereto is that this was not a necessity. The company is not under a necessity to receive defective foreign cars. True it is that this car was placed on its track by another company, but no doubt with and under an implied if not an express contract for so doing. And if a defective foreign car is received, and no inspection is made, the receiving company is liable for injuries and damages that follow. The rule generally is, as contended by defendant's counsel, that guilty knowledge is necessary to constitute an offense. But the statutes in question make no such requirements. When passing on the demurrer to this count I referred to the numerous cases, without citing them, where one who allows a minor in a billiard room or saloon is liable, even though he believes the party is an adult. And to many like cases I alluded. But it is now contended that such cases are not in point, because there is no general right to have a billiard hall or saloon, a license therefor being necessary. Such an attempt to distinguish those cases from the one at bar is not an answer. Take the cases for violations of the pure-food laws. It is no defense for the seller that he believed the food was pure. Statutory offenses generally are complete when the language of the statute is violated.

Mr. Merritt, of the jury, will act as foreman, and as such will sign the four verdicts which I now hand him, which are for the Government under all the counts, and on which judgments will be entered. All of which is now done.

UNITED STATES v. GREAT NORTHERN RAILWAY COMPANY.

(In the United States District Court for the Eastern District of Washington, Eastern Division.)

1. It appeared from the evidence that a car used in interstate commerce had the equipment required by the safety-appliance acts, but the chain which connected the lock pin to the uncoupling lever was not attached, and only needed to be connected to make the appliance available. *Held*, that such car in that condition

was out of repair, and was being used contrary to law, as it was not legally equipped until the chain was connected.

2. If a common carrier can excuse itself because a particular equipment is out of repair without even explaining why, then it could equip all of its cars, leaving the equipment disconnected, which would require brakemen to enter between them for the purpose of coupling the same, thereby defeating the purpose of the law altogether. Employees can only be protected from danger by the safety appliances being kept in repair.
3. The purposes of the safety-appliance acts fall within the rule applicable to statutes to prevent fraud upon the revenue, and for the collection of customs, where intent does not inhere in their violation.
4. In the absence of any testimony showing that the chain ever was attached, it must be presumed, since the working parts were in perfect order, that the apparatus was only partially completed, and that it was the ultimate intention to connect the parts, and to thereby comply with the provisions of the statutes.

OPINION OF THE COURT.

(November 28, 1906.)

WHITSON, *district judge:*

This cause was tried by the court, a jury having been waived.

The complaint contains six causes of action, but there is no controversy except as to the first. The evidence shows that the car in that cause of action described had the equipment required by law, but was being used in interstate traffic while the chain which connected the lock pin with the uncoupling lever was not attached; that a brakeman could not couple or uncouple the cars without going between them.

I was at first impressed with the soundness of the contention of counsel for defendant that the equipment itself being upon the car, no recovery for the penalties provided by the act can be had because in some unexplained way parts of it became disconnected. A literal reading of the provisions of the statute would appear at first blush to sustain the views suggested. Section 2 of the act of March 2, 1893, prohibits hauling over the line of any common carrier any car "not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars." The argument is that the car was properly equipped, but was temporarily out of repair, and the case will be first considered from that standpoint. The object of the act, as expressed in the title, is "to promote the safety of employees and travelers," and in so far as it applies to employees engaged as brakemen on trains, it was intended to protect them from the danger of entering between cars in order to couple them up. If a common carrier can excuse itself because a particular equipment is out of repair, without even explaining why, then it could equip all of its cars, leaving the equipment disconnected, which would require brakemen to enter between them for the purpose of coupling the same, thereby defeating the purpose of the law altogether. Employees can only be protected from danger by the safety appliances being kept in repair.

Judge Shiras, in Voelker *v.* Chicago, Milwaukee and St. Paul Railway Company, 116 Fed., 867–875, held that the defendant in that case was liable "because of the negligent failure of the company to have upon the car a coupler in proper and operative condition." Upon appeal to the Circuit Court of Appeals for the Eighth Circuit the decision was reversed, yet as to that point it was sustained. (129 Fed., 522.)

Such, also, was the conclusion of Judge Humphrey, in United States *v.* Southern Railway Company, 135 Fed., 122.

These views may be confirmed by reference to Johnson *v.* Southern Pacific Company, 196 U. S., 17, where it was held that the purposes of the act fall within the rule applicable to statutes to prevent fraud upon the revenue, and for the collection of customs, where intent does not inhere in their violation.

Thus far the case has been considered upon the theory that failure to make the connection by means of the chain provided for that purpose presents a case of failure to repair or keep in order the equipment which was provided to meet the requirements of the law. The undisputed evidence is that the equipment itself was in perfect condition; it only needed to be connected to make it available for the purpose for which it was intended. In such a case, until the chain is connected, a car is not equipped with couplers "which can be uncoupled without the necessity of men going between the ends of the cars." In the absence of any testimony showing that it ever was attached, it must be presumed, since the working parts were in perfect order, that the apparatus was only partially completed, and that it was the ultimate intention to connect the parts and to thereby comply with the provisions of the statute.

There are two phases of the case, therefore, which are conclusive against the defendant:

First. Indulging the theory that apparatus, the working parts of which were in perfect order, and which only needed to be connected to make the appliance available, was out of repair because not connected, the defendant fails, because it was its duty in this regard to keep the car in repair.

Second. If the chain never had been connected, then the defendant never did equip the car in the manner provided by law, and in the absence of explanation it must be presumed that this is the fact.

Judgment will accordingly go for plaintiff for the amount claimed in each of the causes of action.

ACCIDENTS.

TABLE A.—SUMMARY OF CASUALTIES TO PERSONS, YEAR ENDING JUNE 30, 1906.

	Passengers (a and b).		Persons carried under agreement, etc. (bb).		Total (a, b, and bb).		Trainmen.		Trainmen in yards.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions	89	3,596	31	409	120	4,005	331	2,348	53	669
Derailments	48	2,341	12	315	60	2,656	220	1,385	17	209
Miscellaneous train accidents, including locomotive boiler explosions	.....	86	2	31	2	117	61	1,036	5	215
Total train accidents	137	6,023	45	755	182	6,778	612	4,769	75	1,093
Coupling or uncoupling	.....	.....	.....	.....	.....	.....	101	1,060	65	695
While doing other work about trains or while attending switches	.....	.....	.....	.....	.....	.....	75	7,303	42	2,871
Coming in contact with overhead bridges, structures at side of track, etc	7	30	1	16	8	46	80	753	27	280
Falling from cars or engines or while getting on or off	140	1,962	4	65	144	2,027	295	4,436	98	2,252
Other causes	66	2,118	18	216	84	2,334	197	591	93	394
Total (other than train accidents)	213	4,110	23	297	236	4,407	748	14,143	325	6,492
Total all classes	350	10,133	68	1,052	418	11,185	1,360	18,912	400	7,585

	Yard trainmen (switching crews).		Other employees.		Total employees.		Total all persons.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions	43	429	57	463	484	3,909	604	7,914
Derailments	27	232	49	290	313	2,116	373	4,772
Miscellaneous train accidents, including locomotive boiler explosions	10	103	6	104	82	1,458	84	1,575
Total train accidents	80	764	112	857	879	7,483	1,061	14,261
Coupling or uncoupling	130	1,646	15	102	311	3,503	311	3,503
While doing other work about trains or while attending switches	55	2,735	96	2,945	268	15,854	268	15,854
Coming in contact with overhead bridges, structures at side of track, etc	16	402	9	62	132	1,497	140	1,543
Falling from cars or engines or while getting on or off	175	3,156	145	1,409	713	11,253	857	13,280
Other causes	119	363	1,095	14,586	1,504	15,934	1,583	18,268
Total (other than train accidents)	495	8,302	1,360	19,104	2,928	48,041	3,164	52,448
Total all classes	575	9,066	1,472	19,961	3,807	55,524	4,225	66,709

TABLE B.—CASUALTIES TO PASSENGERS AND EMPLOYEES, YEARS ENDING JUNE 30—

	1906.		1905.		1904.		1903.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Passengers:								
In train accidents	182	6,778	350	6,498	270	4,945	164	4,424
Other causes	236	4,407	187	3,542	150	3,132	157	2,549
Total	418	11,185	537	10,040	420	8,077	321	6,973
Employees:								
In train accidents	879	7,483	798	7,052	844	6,990	895	6,440
In coupling accidents	311	3,503	243	3,110	278	3,441	253	2,788
Overhead obstructions, etc	132	1,497	92	1,185	116	1,210	93	992
Falling from cars, etc	713	11,253	633	9,237	700	9,371	678	8,025
Other causes	1,772	31,788	1,495	24,842	1,429	22,254	1,314	20,759
Total	3,807	55,524	3,261	45,426	3,367	43,266	3,233	39,004
Total passengers and employees	4,225	66,709	3,798	55,466	3,787	51,343	3,554	45,977

TABLE C.—COLLISIONS AND DERAILMENTS; DAMAGE TO CARS, ENGINES, AND ROADWAY; YEARS ENDING JUNE 30—

	1906.				1905.			
	Number.	Loss.	Persons killed.	Persons injured.	Number.	Loss.	Persons killed.	Persons injured.
Collisions, rear	1,722	$1,720,365	169	2,427	1,493	$1,463,012	152	2,085
Collisions, butting	866	1,599,568	251	2,733	707	1,451,906	304	2,453
Collisions, trains separating	901	359,156	9	375	972	440,495	11	369
Collisions, miscellaneous	3,705	1,640,669	175	2,379	3,052	1,493,641	141	2,204
Total	7,194	5,319,758	604	7,914	6,224	4,849,054	608	7,111
Derailments due to defects of roadway, etc	1,287	918,056	38	1,608	1,007	777,433	50	1,446
Derailments due to defects of equipment	2,811	2,226,153	42	802	2,605	2,068,620	40	798
Derailments due to negligence of trainmen, signalmen, etc	391	318,067	54	494	341	272,254	40	418
Derailments due to unforeseen obstruction of track, etc	300	472,653	76	456	332	676,001	177	646
Derailments due to malicious obstruction of track, etc	65	106,859	16	94	76	142,761	34	196
Derailments due to miscellaneous causes	1,407	1,297,643	147	1,318	1,010	925,533	115	1,334
Total	6,261	5,339,431	373	4,772	5,371	4,862,602	456	4,838
Total collisions and derailments	13,455	10,659,189	977	12,686	11,595	9,711,656	1,064	11,949

APPENDIX E.

TARIFF CIRCULARS ISSUED BY THE COMMISSION.

Tariff Circular No. 1—A.

(*July 25, 1906.*)

The Commission calls your special attention to the following provisions and requirements of the sixth section of the act to regulate commerce, as amended by act of Congress approved June 29, 1906, and which takes effect August 28, 1906, to wit:

"Sec. 6. That every common carrier subject to the provisions of this Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this Act.

"Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common crrrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

"The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

"Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"No carrier, unless otherwise provided by this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs: *Provided*, That wherever the word 'carrier' occurs in this Act it shall be held to mean 'common carrier.'

"That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic."

It is manifest that existing schedules must be changed or amended to bring them into full compliance with the provisions of law above set forth. These changes or amendments can be made most satisfactorily, and at the same time with greater uniformity, through the prompt action and cooperation of all carriers subject to the law, and to that end such carriers, through special committees or their representatives in traffic associations, are requested to immediately confer and thereupon propose to the Commission such methods of procedure respecting the changes necessary to be made in tariff construction, including the simplification of present rules and regulations and of exceptions to the application of specified rates, the definite statement of joint routes upon which through rates are to apply, and appropriate means of certainly indicating evidence of concurrence in joint through rates both to the Commission and to the public, while at the same time providing for plainly showing upon suitable schedules the services and the various charges required by the law to be published and filed.

The Commission is of the opinion that this duty should rest primarily with the carriers themselves, in view of their liability to forfeitures and penalties in cases of failure to comply with the mandatory requirements of the sixth section. The Commission will, however, cordially cooperate with representatives of the carriers, and will freely discuss with them all pertinent questions which in this connection may arise, reserving always its right to make at such times as may appear necessary any general or special order or orders within the scope of its authority. Methods so proposed by carriers should embrace those designed to effectuate immediate substantial compliance with the amended law as well as those intended to be permanently applicable.

TARIFF CIRCULAR NO. 2—A.

(*September 15, 1906.*)

The Interstate Commerce Commission, in answer to numerous inquiries from railroad officials and other interested persons, and for the purpose of giving administrative construction to certain provisions of the amended act to regulate commerce which became effective on the 28th of August, 1906, announces the following rulings:

Payment for transportation.—Nothing but money can be lawfully received or accepted in payment for transportation subject to the act, whether of passengers or property, or for any service in connection therewith, it being the opinion of the Commission that the prohibition against charging or collecting a greater or less or different compensation than the established rates in effect at the time precludes the acceptance of services, property, or other payment in lieu of the amount of money specified in the published schedules.

Notice of changes in rates.—Where two or more connecting carriers establish a joint rate which is less or greater than the sum of their local rates, such joint rate is a change of rates and requires a notice of thirty days. In such case the joint rate when duly established and in force becomes the only lawful rate for through transportation.

New roads.—On new lines of road, including branches and extensions of existing roads, individual rates may be established in the first instance, and also joint rates to and from points on such new line, without notice, on posting a tariff of such rates and filing the same with the Commission.

Round-trip excursion rates.—It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation rates authorized by the twenty-second section. Such a rate when first established or offered is held to be a change of rates which requires a notice of thirty days. No reason appears why this notice should not be given in the case of mileage rates, commutation rates, round-trip rates, or other reduced rates which, like ordinary passenger rates, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion rates, however, covering a named and limited period, are of a different character in this regard, and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind, the Commission has made a general order fixing the following-named time of notice of round-trip excursion rates, and carriers may govern themselves accordingly:

Rates for an excursion limited to a designated period of not more than three days may be established, without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission.

Rates for an excursion limited to a designated period of more than three days and not more than thirty days may be established upon a notice of three days in place of the thirty days' notice otherwise required by the amended sixth section.

Rates for an excursion limited to a designated period exceeding thirty days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

TARIFF CIRCULAR NO. 3—A.

(*September 15, 1906.*)

The Commission has in contemplation the making of an order with respect to the filing of tariffs, which will embrace the following requirements, among others:

1. Joint tariffs shall in all cases be filed by the initial line, but an initial carrier may authorize a connecting line to file its tariffs, provided that all the joint tariffs of such initial line are filed by the same connecting carrier. In this case the connecting carrier shall be treated as the initial line.

2. The schedules of each initial line shall be printed as an independent document and not together with the schedules of any other initial line.

3. Participating lines may file with the Commission a general authority authorizing the initial line to file on their behalf all tariffs or all joint tariffs of a specified kind, and in such case no other concurrence in the tariffs covered thereby will be required. Where such general authority is not on file concurrences must accompany the tariff itself when presented by the initial line for filing, and such tariff will not be accepted and filed until all such concurrences have been received. The Commission will accept as evidence of concurrence a telegram from the proper officer of the concurring line to the proper officer of the filing line, stating the concurrence of the participating line in the tariff. Such concurrence should give the I. C. C. number of the tariff concurred in.

4. Class rates shall be filed in a tariff by themselves and commodity rates in one or more tariffs, as the carriers may elect.

5. Each carrier shall file an index showing all commodity rates in effect which have been filed by it, specifying the I. C. C. number of the tariff in which such rate is found. Such index shall be by commodities and shall be made in such detail that each commodity can be easily located. This index shall be reprinted and filed with the Commission every three months, beginning January 1, 1907, provided changes have been made in the meantime; or carriers may file an index consisting of detachable leaves and may print the necessary leaf whenever change is made.

6. Not over five supplements shall be promulgated to any tariff and not over ten to any classification; to show changes beyond this number the entire tariff or classification shall be reprinted. Each supplement, whether to a classification or a tariff, shall indicate all changes made by that supplement and previous supplements from the original tariff.

7. In the compilation of tariffs a uniform order shall be observed, so that a given subject will always be found in a given portion of the tariff. Any fact stated in any other portion of the tariff than that prescribed will be regarded as not mentioned at all.

8. Terminal charges which must be paid by all shippers at destination, and which are, therefore, really a part of the cost of transportation, must be specified in the tariff of the initial line. Terminal charges which depend upon a contingency, like demurrage, storage, switching, etc., shall be filed by the delivering line and posted in the delivering station.

When any switching or terminal charge, either at the point of origin or the point of delivery, is absorbed, or when any service is rendered and the total cost to the shipper from the place where the property is first received to the place where it is finally delivered is thereby affected, such absorption or such service shall be stated upon the tariff.

Before reaching any final conclusion touching the above propositions, the Commission would be glad to receive in writing suggestions from all interested parties. It has also appointed a general session at its office in Washington for 10 o'clock in the forenoon of October 8, 1906, at which all parties desiring will be heard. It is suggested that the carriers be represented at that time by a committee or committees reflecting the views of different carriers in different parts of the country. Perhaps each section to which each of the three classifications applies should send a committee of from three to five persons. While the Commission is not prepared at this time to suggest any uniform method of stating the rates in the body of the tariff, this also will be the subject of discussion.

After sufficient time has been allowed carriers for the revision of their tariffs no schedule will be filed by the Commission which is not constructed in conformity with the requirements of the statute and the rules prescribed by the Commission and which does not so state the rates contained that they can be understood by a person of ordinary intelligence.

Tariff Circular No. 4–A.

(*September 29, 1906.*)

The interstate Commerce Commission, in answer to numerous inquiries from railroad officials and other interested persons, and for the purpose of giving administrative construction to certain provisions of the amended act to regulate commerce which became effective on the 28th day of August, 1906, announces the following rulings:

Notice of changes in rates.—Where a joint rate is in effect by a given route which is higher between any points than the sum of the locals between the same points by the same route such higher joint rate may, until December 31, 1906, be changed by reducing the same to the sum of such locals, but not otherwise, upon posting one day in advance a tariff of such reduced rate and mailing a copy thereof to the Commission.

Desire to meet the rates of a competing road or line which has given the full statutory notice of change in rates will not of itself be regarded as good cause for allowing changes in rates on a notice of less than thirty days.

Party rate tickets.—The tariffs and regulations governing the issuance and use of party rate tickets, together with the rules relating to the allowance of free baggage to persons using such tickets, must be regularly filed and published. The privileges so extended must not be limited to any particular class or classes of persons, but must be open to all. Regulations governing issuance and use of party rate tickets must not be such as will operate to evade or nullify any provisions of the law. The Commission suggests that the rules should provide that the party shall travel on one ticket and consist of not less than ten persons.

In special or emergency cases prompt consideration will be given to requests to change tariff rates governing party rate tickets on less than thirty days' notice, when such requests are accompanied with full information as to the conditions and necessities upon which they are based.

Filing intrastate rates.—All intrastate or other rates which are used in combination with interstate rates for interstate shipments must be posted and filed with the Commission, and can only be changed, as to such traffic, in accordance with the act.

Tariff Circular No. 5–A.

(*October 12, 1906.*)

The Interstate Commerce Commission announces the following rulings:

Division of joint rates—contracts and agreements for, must be filed.—A contract, agreement, or arrangement between common carriers governing the division between them of joint rates on interstate business is a contract, agreement, or arrangement in relation to traffic, within the meaning of section 6 of the act to regulate commerce, and a copy thereof must be filed with the Commission. Where such contract, agreement, or arrangement is verbal or is contained in correspondence between the parties or rests on their custom and practice, a memorandum of its terms must be filed with the Commission.

Tariff Circular No. 4-A, of date September 29, 1906, contains the following paragraph:

"*Notice of changes in rates.*—Where a joint rate is in effect by a given route which is higher between any points than the sum of the locals between the same points, by the same route, such higher joint rate may, until December 31, 1906, be changed by reducing the same to the sum of such locals, but not otherwise, upon posting one day in advance a tariff of such reduced rate and mailing a copy thereof to the Commission."

In order that no carrier shall be placed at a disadvantage thereunder, the Commission has amended said rule to read as follows:

Notice of changes in rates.—Where a joint rate is in effect by a given route which is higher between any points than the sum of the locals between the same points, by the same or another route, such higher joint rate may, until December 31, 1906, be changed by reducing the same to the sum of such locals, but not otherwise, upon posting one day in advance a tariff of such reduced rate and mailing a copy thereof to the Commission.

Round-trip excursion rates.—The Commission has heretofore announced in Tariff Circular No. 2-A with respect to notice as to certain excursion rates:

"Rates for an excursion limited to a designated period of not more than three days may be established, without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission.

"Rates for an excursion limited to a designated period of more than three days and not more than thirty days may be established upon a notice of three days in place of the thirty days' notice otherwise required by the amended sixth section."

The Commission has made this additional ruling:

Rates for a series of daily excursions under either of the above provisions, such series covering a period not exceeding thirty days, may be established upon notice of three days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

The term "limited to a designated period" used in the foregoing quotations from Tariff Circular No. 2-A is construed to cover the period between the time at which the transportation can first be used and the time at which it expires.

Round-trip tickets on certificate plan.—Round-trip tickets on the certificate plan may be issued at reduced rates and their use be confined to the delegates to a particular convention or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced rate for return trip will be granted to any. Tariffs of rates and regulations governing issuance and use of round-trip tickets on certificate plan must be regularly filed and posted and the regulations must not be such as will operate to evade or nullify any provisions of the law.

The Commission suggests that the rule should provide that not less than 100 tickets shall be presented for validation for return trip before reduced rate will be granted to any.

Round-trip tickets on certificate plan may, also, be issued to Government employees going home to vote and returning to their employment.

Issuance and use of free passes.—The provisions of the act relative to the issuance of free tickets, free passes, free transportation, or free carriage to employees of carriers apply only to persons who are actually in the service of the carriers and who devote substantially all of their time to the work or business of such carriers. Land and immigration agents, unless they are bona fide and actual employees, representatives of correspondence schools, agents of accident or life insurance companies, agents of oil or lubricating companies, etc., are not within the classes to which free or reduced-rate transportation can be lawfully furnished.

But the Commission does not construe the law as preventing a carrier from giving necessary free transportation to a person traveling over its lines solely for the purpose of attending to the business of, or performing a duty imposed upon, the carrier, nor from giving free carriage over its line to the household and personal effects of an employee who is required to remove from one place to another at the instance of, or in the interest of, the carrier by which he is employed.

Nor does the Commission construe the law as preventing a carrier from giving free or reduced-rate carriage over its line to contractors for material, supplies, and men for use in construction, improvement, or renewal work on the line of that carrier, provided such arrangements for free or reduced-rate carriage are made a part of the specifications upon which the contract is based and of the contract itself.

Free and reduced-rate transportation for ministers of religion, etc.—The provisions of the act relative to the issuance of free or reduced-rate transportation to ministers of religion do not apply to, or include, members of the families of ministers of

religion. Neither do the provisions of the act relative to the issuance of free or reduced-rate transportion admit of including therein officers of the Government, the Army, or the Navy, or members of their families, or other persons to whom such considerations may have been extended in the past, unless the are within the classes specifically named in the act.

Notation on tariff of special permission.—In each instance where by special permission from the Commission a tariff is made effective in less than thirty days, such tariff must bear the notation: "Effective (insert date), by special permission of the Interstate Commerce Commission of (insert date)."

Tariff Circular No. 6–A.

(*November 16, 1906.*)

The Interstate Commerce Commission announces the following rulings and requirements:

The Commission's Tariff Circular No. 5–A, of October 12, 1906, contained the following paragraph:

"*Division of joint rates—Contracts and agreements for must be filed.*—A contract, agreement, or arrangement between common carriers governing the division between them of joint rates on interstate business is a contract, agreement, or arrangement in relation to traffic, within the meaning of section 6 of the act to regulate commerce, and a copy thereof must be filed with the Commission. Where such contract, agreement, or arrangement is verbal or is contained in correspondence between the parties or rests on their custom and practice, a memorandum of its terms must be filed with the Commission."

Answering many inquiries as to just what is desired under this rule, the Commission states that when the agreement or arrangement under which divisions are made is in the form of a contract or formal agreement or recorded memorandum a copy of each such contract, agreement, or memorandum is to be filed with the Commission. Where such arrangement is made by correspondence or verbally, a concise memorandum of the basis and general terms and application of the arrangement or practice is to be filed with the Commission. The filing of the division sheets themselves is not desired.

Transportation furnished care takers of live stock, poultry, fruit, and vegetables.—Section 1 of of the act to regulate commerce provides that free transportation may be furnished "to necessary care takers of live stock, poultry, and fruit." The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables when shipped under conditions that render care takers "necessary." The Commission is also of opinion that transportation of such "necessary care takers of live stock, poultry, and fruit" includes their return to points from which they actually accompany such shipments. This transportation may be in the form of free pass or reduced rate transportation, but in any event it must be the same for all under like circumstances and must be published in the tariff governing transportation of the commodity.

Through rates which exceed the sum of locals.—Many informal complaints are received in connection with regularly established through rates which are in excess of the sum of the locals between the same points. The Commission has no authority to change or fix a rate except after full hearing upon formal complaint. The Commission announced in its tariff circular No. 5–A, of October 12, 1906, a rule permitting practically immediate reduction of a through rate which is higher than the sum of the locals between the same points. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider the through rate, which is higher than the sum of the locals between the same points, as prima facie unreasonable, and that the burden of proof would be upon the carrier to defend such higher through rate.

Changes of rates on less than statutory notice—whose signatures shall appear on applications.—The act to regulate commerce authorizes the Commission, in its discretion, and for good cause shown, to permit changes in tariff rates on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change tariffs on short notice are received in indefinite and informal ways and over the signatures of many different officials. Some telegraphic requests are received which make no mention of verified copies and which are not followed by verified copies, as per rule previously made by the Commission. The Commission, therefore, announces that applications for permission to change tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commis-

sion, in form specified by the Commission under date of September 17, 1906, and must be over signature of the president, vice-president, general traffic manager, asistant general traffic manager, general freight agent, or general passenger agent, specifying title.

The Commission requests that as far as possible these applications be sent by mail and not by telegraph.

Correspondence with Commission on freight and passenger matters.—It is believed that the best results and understandings will be reached if the conducting of ordinary correspondence between carriers and the Commission is confined to as few persons as possible. Request is therefore made that the traffic manager or the general passenger and general freight agents of each road designate not more than two officials or other representatives to respectively conduct the correspondence with the Commission on freight and passenger matters, and to promptly advise the Commission of such appointments.

Distribution of official circulars and rulings to carriers.—It is obviously impracticable for the Commission to place copies of its official circulars and rulings in the hands of all the officers of carriers or to furnish copies for distribution among them. The officers at the head of traffic departments, or in charge of the passenger and freight departments, respectively, will please designate for each road one official in the passenger department and one in the freight department (unless both are under one head officer and one appointment is considered sufficient) to whom such circulars and rulings are to be sent; and arrange for such designated officials to disseminate the information among other interested officers and agents. Please report these appointments to the Commission as early as possible.

Distribution of official circulars and rulings to commercial organizations.—With the view of giving prompt information to those who may be interested, the Commission will upon application place upon its mailing list regularly organized boards of trade, chambers of commerce, commercial clubs, and shippers' associations, for the purpose of mailing to them copies of official circulars containing rulings and orders of the Commission.

In the Matter of Export Rates of Cotton and other Commodities.

The Commission having under consideration the petition of the Southern Railway Company and other carriers operating in territory east of the Mississippi River and south of the Ohio and Potomac rivers for permission to equalize export rates on cotton, cotton seed and its products, and lumber, and thereby make changes in their export rates on those commodities without the thirty days' notice required by law, and having heard representatives of the carriers and numerous shippers; and the Commission being of the opinion that carriers may legally issue through bills of lading from the interior point of shipment to a foreign destination which specify the inland rate to the port of export and the ocean rate from the port of export, even though no joint through rate is published. It is ordered:

1. That no published rates on cotton shall be advanced except upon thirty days' notice, as required by law.

2. That from and after this date and until March 1, 1907, carriers may reduce their published export rates on cotton to the various ports of export upon three days' notice.

3. That until November 1, 1906, carriers may continue to equalize export cotton rates through the various ports by applying the lowest combination through all the ports, thereby making said rates without publication and filing as required by law: *Provided*, That they post in two conspicuous places in the station where cotton is received for shipment notices of the rates so made as soon as they are made and mail copies of the same to the Commission, said notices to specify the rate and the time during which the rate will continue in effect.

4. That as to cotton seed and its products and lumber the petition is denied.

Washington, D. C., *September 15, 1906.*

[Form prescribed by the Interstate Commerce Commission in the matter of application for authority to make a single rate effective upon less than thirty days' notice.]

——— ———.
(Name of carrier.)

——— ———, 190–.
(Place and date.)

To the Interstate Commerce Commission,
Washington, D. C.:

The ——— (name of carrier), by ——— (name of officer), its ——— (title of officer), does respectfully petition the Interstate Commerce Commission that it be permitted, under section 6 of the act to regulate commerce, as amended June 29, 1906, to put

into effect a rate of ——— upon ——— (name of article) from ——— (name of point of origin) to ——— (name of point of destination), said rate to become effective ——— days after filing thereof with the Interstate Commerce Commission.

Your petitioner further represents that the said rate above mentioned will be published in Tariff I. C. C. No. ———, and will supersede and take the place of the rate on same article from and to the points above named which is set forth in Tariff I. C. C. No. ——— on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made: ——— (State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates in effect via other lines, specific reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines).

(Signature.) ——— ———,
By ——— ———.
(Name and title of officer.)

Subscribed and sworn to before me this ——— day of ———, 19—.

——— ———,
Notary Public.

[Form prescribed by the Interstate Commerce Commission in the matter of application by a common carrier for authority to make changes in two or more rates upon less than thirty days' notice.]

——— ———,
(Name of carrier.)
——— ———, 190–.
(Place and date.)

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

The ——— (name of carrier), by ——— (name of officer), its ——— (title of officer), does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under section 6 of the act to regulate commerce as amended June 29, 1906, to put in force the following rates, to become effective ——— days after the filing thereof with the Interstate Commerce Commission: ——— (State fully the rates which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.)

Your petitioner further represents that the said rates above mentioned will be published in Tariff I. C. C. No. ———, and will supersede and take the place of the rates on like traffic from and to the points above named which are set forth in Tariff I. C. C. No. ——— on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made: ——— (State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates in effect via other lines, specific reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines.)

(Signature.) ——— ———.
By ——— ———.
(Name and title of officer.)

Subscribed and sworn to before me this ——— day of ———, 190–.

——— ———, *Notary Public.*

[Form prescribed by the Interstate Commerce Commission in the matter of application by telegraph for authority to make changes in rates upon less than thirty days' notice.]

——— ———, 190–.
(Place and date.)

INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

The ——— (name of carrier), petitions that it be permitted to put into effect the following rate (or rates) to become effective ——— days after filing thereof with the Interstate Commerce Commission: ——— (State fully the rates which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.)

The rates above mentioned will be published in Tariff I. C. C. No. ———, and will supercede the rate (or rates) on like traffic published in Tariff I. C. C. No. ———, on file with the Commission. The above request is based upon the following facts, which present certain special circumstances and conditions justifying the request herein made: ——— (State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates in effect via other lines, specific reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines.)

Verified copy follows by mail.

(Signature.) ——— ———.
(Name of carrier.)
By ——— ———.
(Name and title of officer.)

APPENDIX F.

STATISTICS OF RAILWAYS IN THE UNITED STATES. REPORT FOR YEAR ENDING JUNE 30, 1905.

NOTE.—The report embraced in this Appendix is published as a separate document.

APPENDIX G.

PRELIMINARY REPORT OF THE INCOME ACCOUNT OF RAILWAYS IN THE UNITED STATES FOR THE YEAR ENDING JUNE 30, 1906.

NOTE.—The report embraced in this Appendix is published as a separate document.

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